

Stephen McCollum, et al. v.
Brad Livingston, et al.

William L. Stephens
October 18, 2013

<p style="text-align: right;">21</p> <p>1 A. It was a discussion, yes, sir.</p> <p>2 Q. What did you -- what do you remember about</p> <p>3 that discussion?</p> <p>4 A. I remember him saying that he was beat up</p> <p>5 pretty hard in his deposition about it.</p> <p>6 Q. Was that because --</p> <p>7 A. He took it personal. I mean, he took the</p> <p>8 incidents and the occurrences in his region</p> <p>9 personally, even when they occurred.</p> <p>10 Q. That's because he is responsible for --</p> <p>11 A. Absolutely. He holds himself accountable.</p> <p>12 Q. Would you say that he thought that the staff</p> <p>13 in his region could have done better in those</p> <p>14 situations?</p> <p>15 A. I don't remember that specifically being</p> <p>16 said about any of the cases, other than specifically</p> <p>17 he felt like the staff -- he commented that he felt</p> <p>18 like they acted appropriately in McCollum -- McCollum</p> <p>19 case, I'm sorry.</p> <p>20 Q. Have you had a chance to review the</p> <p>21 administrative review and the Emergency Action Center</p> <p>22 report for the McCollum case?</p> <p>23 A. I have reviewed it.</p> <p>24 Q. Are you critical of the performance of the</p> <p>25 correctional officers in that case?</p>	<p style="text-align: right;">23</p> <p>1 calling 911?</p> <p>2 A. Yeah. As I understand, reading it, the</p> <p>3 first officer on the scene approached Mr. McCollum on</p> <p>4 the bed and witnessed what he did, and he initially</p> <p>5 called the supervisor to report to the scene, as well</p> <p>6 as a video camera. He initiated -- our terminology is</p> <p>7 ICS, Incident Command System. That is certainly a</p> <p>8 standard protocol.</p> <p>9 I certainly think that at some point</p> <p>10 when there was a delay for the supervisor to get</p> <p>11 there, I wish the officer would have taken some</p> <p>12 initiative, notified his -- whoever he contacted the</p> <p>13 first time that I'm calling 911.</p> <p>14 Q. So maybe after ten minutes when the</p> <p>15 supervisor doesn't --</p> <p>16 A. I really can't put a time on it, I'm sorry.</p> <p>17 Q. Such just as an example --</p> <p>18 A. Yes, sir.</p> <p>19 Q. -- at some point, you think that he should</p> <p>20 have stepped up and said, I'm going to call 911 now,</p> <p>21 or I'm going to tell the person who has access to the</p> <p>22 telephone, we need 911?</p> <p>23 A. Not having the report in front of me, okay,</p> <p>24 I believe the officer -- there was a radio down there</p> <p>25 on the wing. I do believe they had the opportunity to</p>
<p style="text-align: right;">22</p> <p>1 A. Do you have the report available so I could</p> <p>2 look at it? If you're going to ask me questions about</p> <p>3 a specific report, I'd like to have a chance to look</p> <p>4 at it.</p> <p>5 Q. And, you know, I don't think I have a copy</p> <p>6 of that with me right now.</p> <p>7 A. Okay.</p> <p>8 Q. But do you remember having any criticism of</p> <p>9 those officers?</p> <p>10 A. Me personally having criticism of the</p> <p>11 officers? Difficult to say. I wasn't there in the</p> <p>12 entire situation. Certainly, in retrospect, looking</p> <p>13 back on the incident, I wish we would have called 911</p> <p>14 sooner.</p> <p>15 Q. You would agree with Mr. Thaler that the</p> <p>16 delay in calling 911 was too long in that situation.</p> <p>17 Is that fair?</p> <p>18 A. I agree there was a significant delay and I</p> <p>19 wish they would have called 911 sooner, yes, sir.</p> <p>20 Q. Okay. And would you agree that it wasn't --</p> <p>21 that in a situation like Mr. McCollum, where the</p> <p>22 inmate is having a seizure, is convulsing, is</p> <p>23 unresponsive, that that would -- it would be</p> <p>24 inappropriate to wait for the sergeant and then wait</p> <p>25 for the lieutenant and cause an hour delay before</p>	<p style="text-align: right;">24</p> <p>1 tell whomever, their supervisor on the radio, we need</p> <p>2 911 and let's call it.</p> <p>3 Q. And you think that would have been</p> <p>4 appropriate in this situation?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. If the officer who -- the</p> <p>7 correctional officer who first arrived, if he believed</p> <p>8 it was an emergency at that point, should he have</p> <p>9 waited any time before calling 911? Or making sure</p> <p>10 911 was called?</p> <p>11 A. The message that I have put out all along</p> <p>12 has been, if you feel like you need Emergency Medical</p> <p>13 Services and they're not on the unit, call 911.</p> <p>14 Q. Okay. So you would agree, if the officer</p> <p>15 thought that it was an emergency and there was no</p> <p>16 medical services available at the unit, that he should</p> <p>17 have immediately called 911?</p> <p>18 A. If the officer makes a -- an ascertainment</p> <p>19 that it needs -- that this is an emergent medical,</p> <p>20 serious life-causing situation, then the officer</p> <p>21 should call 911.</p> <p>22 Q. Okay.</p> <p>23 A. Or excuse me, the officer doesn't have the</p> <p>24 ability in the housing area. The officer could make a</p> <p>25 request, either by phone or by the radio, and I</p>

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<p style="text-align: right;">29</p> <p>1 A. Well, there will be -- as the months 2 progress -- really, we've been busy on lots of things. 3 Okay? And I'm not telling you that the heat in the 4 dorms is any less important than anything else. But 5 as we go through the next several months, we'll be 6 having conversations about the implementation of some 7 changes in AD 1064, which is the heat extremes. 8 Q. And what -- are those changes to AD 1064 -- 9 for the record, AD 1064 is the policy about 10 temperature extremes in TDCJ? 11 A. In the work force. 12 Q. In the workplace. And that policy does not 13 address extreme temperatures in the housing areas. Is 14 that -- 15 A. It does not, no, sir. 16 Q. What are the changes that are coming to 17 AD 1064? 18 A. We're going to incorporate some of the 19 things in the annual e-mail, which y'all have 20 discussed in Mr. Thaler's deposition. We're going to 21 incorporate some of those -- or the majority of those 22 issues into that policy. 23 Q. And those would be the wellness checks? 24 A. That will be one of the things. That's 25 correct.</p>	<p style="text-align: right;">31</p> <p>1 Q. Okay. But you don't know what -- 2 A. And I do know the wellness checks was one of 3 them. 4 Q. Do you know -- 5 A. And it might have been the only one, but I'm 6 not sure. 7 MR. MEDLOCK: Can we make this an 8 exhibit. 9 MR. EDWARDS: Demetri, do you have the 10 2013? 11 MR. ANASTASIDIS: Yeah, that's it right 12 there. 13 MR. EDWARDS: Okay. 14 (Deposition Exhibit No. 65 marked.) 15 Q. (BY MR. MEDLOCK) I'm going to mark this 16 Number 65. Does that appear to be the 2013 e-mail 17 that we were discussing? 18 A. That does appear to be that e-mail. 19 Q. Okay. Looking at the 2013 e-mail, can you 20 tell me what changes were being made there? 21 A. It appears, between 2011 and 2013, the 22 change was the inclusion of some wording on the 23 wellness check. 24 Q. No other changes? 25 A. I don't see any right now. Of course, I</p>
<p style="text-align: right;">30</p> <p>1 Q. What are the other things? 2 A. If you'll let me see the annual e-mail, as 3 we've referenced, I'll read them to you. 4 Q. Exhibit 50 is the annual e-mail. 5 A. If you'll show me the one that was signed in 6 2013, that would probably be the more current one. 7 Q. Okay. I don't know that we have a copy of 8 the 2013 e-mail with us. 9 A. Then I probably wouldn't be able to testify 10 based on the exhibit you've given me. 11 Q. Do you know what changes are being made from 12 this 2011 e-mail? 13 A. Not by the 2011. I have a good idea about 14 the 2013 e-mail. 15 Q. So -- but you can't tell me what those 16 changes are? 17 A. I'm not sure what -- if anything changed 18 from the 2011 to the 2013 as I sit here today. 19 Q. So you're not sure if there were any changes 20 made from the 2011 e-mail? 21 A. To 2013, that's correct. 22 Q. 2013. Okay. Do you think that there should 23 have been changes made from the 2011 e-mail to the 24 2013 e-mail? 25 A. I think there were.</p>	<p style="text-align: right;">32</p> <p>1 took a quick glance at it. 2 Q. Okay. And the wellness checks are what we 3 talked about with Mr. Thaler, the prisoners are now 4 being put on a list that -- by the Health Services 5 Division, and then the officers are instructed to do 6 an additional visual inspection of those inmates. Is 7 that fair? 8 A. Right. The -- that is a general way of 9 putting it, yes, sir. 10 Q. Okay. Would you -- is there anything that 11 you would elaborate on that description? 12 A. Well, other than they should seek assistance 13 for any offender that they feel like needs some. 14 Q. And when would a correctional officer think 15 to seek assistance? As the director -- 16 A. I don't understand. 17 Q. -- as the Correctional Institutions Division 18 director, when would you expect one of your 19 correctional officers to seek additional assistance? 20 A. I assume, based upon his observations of the 21 inmate, and he feels like the inmate needs some 22 medical attention. 23 Q. And we were -- I believe Ms. Coogan was 24 asking Mr. Thaler some questions about how an inmate 25 gets put on that list for the wellness checks. Do you</p>

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<p style="text-align: right;">33</p> <p>1 know at what point the inmate is put on the list for 2 the wellness checks? 3 A. No. I know that the health services staff 4 are the medical providers on the unit. They contact 5 the security side, usually our unit count rooms, and 6 that information is transferred over to -- to the 7 officers that's working the housing areas. And 8 actually how that occurs, I'm sorry, I don't know. 9 Q. So you don't know if that happens at the 10 initial assessment by the nurse when the inmate comes 11 off the bus, or if that happens at the intake physical 12 or at some other point. Is that fair? 13 A. Well, one of the changes, when we go back to 14 1064, will say that it will happen at that initial 15 assessment that the medical staff does when the 16 offender arrives on the unit. Now, currently, the 17 messages won't reflect that that we have in front of 18 us. That will be one of the changes in this. 19 Q. That will be one of the changes that's made 20 to the new version of AD 1064? 21 A. Yes. 22 Q. Okay. 23 A. But, you know, I will say that that practice 24 is just going to be codified; it's not really a 25 change. It should have been the practice all along</p>	<p style="text-align: right;">35</p> <p>1 could occur? 2 A. Yeah. When he arrives on the unit, yes, 3 sir. 4 Q. Let me ask a question about when a -- if a 5 prisoner is immediately identified as having a 6 disability, like the prisoner comes off the bus and 7 they're using a wheelchair, do they have any 8 additional assessment done immediately or how do they 9 get the HSM-18 generated? 10 A. I'm not sure. I -- as far as the practice 11 that's going on when they get there. But I will tell 12 you that, as reviewing some policies in my job, I have 13 seen that there is, once that initial assessment he 14 gets -- I'm going to say, gets off the bus, that they 15 make an initial assessment, and then they refer it 16 over to the unit provider or another higher level 17 medical staff member that can make a determination. 18 Q. And would that be done more quickly for 19 someone using a wheelchair? I mean, obviously, 20 someone using a wheelchair needs some accommodations 21 on the HSM-18, like you can't put someone using a 22 wheelchair in a top bunk. Correct? 23 A. You remember, we're talking about prisons 24 here. 25 Q. Right.</p>
<p style="text-align: right;">34</p> <p>1 that medical staff, when that offender arrives, should 2 he need medical attention or placed on the -- a 3 wellness checklist, the assumption was, when we were 4 drafting the e-mail, that that would be done. We will 5 specify it in the upcoming message. 6 Q. And when you say that that always should 7 have been done, there wasn't a general practice to do 8 these wellness checklists like we've talked about 9 today before 2011. Is that right? 10 A. As of 2011 and 2012, in that time there. I 11 said "always." I apologize for that. 12 Q. And I'm just trying to make the record 13 clear. 14 A. Sure. 15 Q. When the -- so when the -- in 2011 and 2012 16 when you started this wellness checklist practice, the 17 thinking would be that they would get -- the prisoner 18 would be put on the wellness checklist at the initial 19 triage if the nurse or whoever is performing that 20 triage identified that that was appropriate? 21 A. Well, the -- the -- the indication was, is 22 that at any time medical felt like the offender needed 23 a check, that would occur. 24 Q. But that -- you would agree with me that 25 that initial triage would be the earliest time that</p>	<p style="text-align: right;">36</p> <p>1 A. Just because a guy is in a wheelchair, there 2 needs to be some sort of medical evaluation to 3 determine whether he needs that wheelchair or not. 4 Q. And that's fair enough. I'm just saying, if 5 someone arrives using a wheelchair, would that 6 person -- you wouldn't put that person on a top bunk 7 pending an evaluation by the medical -- 8 A. No. That -- 9 Q. -- staff? 10 A. That should be referred over to the higher 11 level, again, medical practitioner to make a 12 determination. Medical would determine if he needed a 13 lower bunk. 14 Q. And you would make -- you would expect that 15 would be done immediately, because you can't have that 16 person being assigned a top bunk? 17 A. I expect that to happen, yes. 18 Q. Okay. 19 A. In person, yes, sir. 20 Q. Okay. We talked a minute ago about how 21 policies are made in TDCJ. Is the process for making 22 policies any different if the policy is related to 23 medical care or some medical issue? 24 A. I believe it goes a different route, through 25 the Medical Health Services -- TDCJ Health Services</p>

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<p style="text-align: right;">49</p> <p>1 Q. Did you ever become sick or ill from the</p> <p>2 temperatures in the -- when you were working in those</p> <p>3 areas?</p> <p>4 A. I can't remember ever becoming sick or ill,</p> <p>5 no, sir.</p> <p>6 Q. Do you remember seeing any other prison</p> <p>7 staff who became sick or ill?</p> <p>8 A. At what period?</p> <p>9 Q. At any period when you were working in</p> <p>10 the -- on the actual prison facilities.</p> <p>11 A. I would have to say, yes. Specific</p> <p>12 incidents, I don't remember. But there has been</p> <p>13 occurrences where I've seen staff get sick. I've seen</p> <p>14 offenders get sick in the summer months. Usually they</p> <p>15 had overexerted themselves or had some sort of</p> <p>16 existing medical condition that really didn't adapt</p> <p>17 well to the heat.</p> <p>18 Q. So you were aware that some people have</p> <p>19 medical conditions that make it more dangerous for</p> <p>20 them to be in areas where the temperature is very hot?</p> <p>21 MS. COOGAN: Objection. Calls for</p> <p>22 speculation.</p> <p>23 A. Yes, sir. I just wasn't sure whether I was</p> <p>24 supposed to answer after that.</p> <p>25 Q. (BY MR. MEDLOCK) Unless your lawyer tells</p>	<p style="text-align: right;">51</p> <p>1 go across them.</p> <p>2 Q. Do you remember seeing an e-mail that said</p> <p>3 that it's maybe two to three degrees cooler indoors</p> <p>4 than outdoors at the Hutchins Unit in the summer of</p> <p>5 2011?</p> <p>6 A. No, sir.</p> <p>7 Q. We've talked a little today about personal</p> <p>8 fans for prisoners. Do you remember that</p> <p>9 conversation?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Now, there are some prison facilities where</p> <p>12 there are plug outlets so they can have -- the inmate</p> <p>13 can have a personal fan, and there are some where</p> <p>14 there is no plug outlet. Is that basically the</p> <p>15 distinction where a personal fan is available and when</p> <p>16 one is not?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Is there any commonality that the areas that</p> <p>19 don't have the plug outlet have? Like what types of</p> <p>20 areas would not have a plug outlet available --</p> <p>21 A. I don't understand your question.</p> <p>22 Q. Okay. Well, it seems that a number of these</p> <p>23 situations where the prisoners didn't have personal</p> <p>24 fans was in a dormitory style setting. Does that seem</p> <p>25 fair?</p>
<p style="text-align: right;">50</p> <p>1 you not to answer --</p> <p>2 A. Okay.</p> <p>3 Q. -- if you could go ahead and answer the</p> <p>4 question.</p> <p>5 A. Okay.</p> <p>6 Q. She's just making the objection for the</p> <p>7 record and the judge may or may not sustain that later</p> <p>8 on. Okay?</p> <p>9 MR. ANASTASIDIS: You can go ahead and</p> <p>10 answer.</p> <p>11 THE WITNESS: I did, sir.</p> <p>12 Q. (BY MR. MEDLOCK) And you're also aware that</p> <p>13 it's very hot outside at these prison units. Is that</p> <p>14 fair?</p> <p>15 A. Hot outside? Yes, sir.</p> <p>16 Q. Are you aware that sometimes there is not</p> <p>17 much of a -- a difference between the indoor</p> <p>18 temperature and the outdoor temperature at these</p> <p>19 facilities?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Okay. Have you reviewed any of the</p> <p>22 temperature documents at the Hutchins Unit?</p> <p>23 A. Unless they were -- I believe some of them</p> <p>24 might have been attached to a -- a deposition or</p> <p>25 something that I might have read. It seems like I did</p>	<p style="text-align: right;">52</p> <p>1 A. Yes, sir. I believe that -- I believe</p> <p>2 that's fair, yes, sir.</p> <p>3 Q. Typically, in the dormitory style housing in</p> <p>4 TDCJ, are there outlets for personal fans?</p> <p>5 A. Please repeat your question.</p> <p>6 Q. Sure. I'm just trying to determine if that</p> <p>7 is kind of a -- a -- like a commonality between the</p> <p>8 dorms or if, you know, at the Hutchins Unit maybe they</p> <p>9 don't have -- they have dorms, but they don't have</p> <p>10 plug outlets, but at the Gurney Unit they have dorms,</p> <p>11 but they do have plug outlets, or is that kind of a</p> <p>12 part of the design of the dorms? Does that make</p> <p>13 sense?</p> <p>14 A. Yeah, I believe it's more the design of the</p> <p>15 dorm. I don't believe -- I don't remember Gurney</p> <p>16 having plugs and -- in the dorm.</p> <p>17 Q. And I'm just using Gurney as an example.</p> <p>18 A. Oh, okay.</p> <p>19 Q. I haven't been in there, and I couldn't tell</p> <p>20 you if they do or not --</p> <p>21 A. I don't believe they do.</p> <p>22 Q. But your understanding, generally, is that</p> <p>23 the dormitory style housing typically would not have a</p> <p>24 plug outlet?</p> <p>25 A. We have some dorms that do, but the -- the</p>

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<p style="text-align: right;">73</p> <p>1 And I don't mean aggressive like a --</p> <p>2 A. Yeah, bad word there. Yes, sir, I believe</p> <p>3 it's reasonable that they should -- they could check</p> <p>4 on him.</p> <p>5 Q. Just wake him up maybe, hey, are you doing</p> <p>6 okay?</p> <p>7 A. I believe that's a reasonable expectation,</p> <p>8 yes, sir.</p> <p>9 Q. Okay. We've had some discussion about -- we</p> <p>10 were calling them respite areas with Mr. Thaler,</p> <p>11 places where the inmates have an opportunity to go to</p> <p>12 where it is air conditioned. Do you recall that?</p> <p>13 A. Yes, sir.</p> <p>14 Q. How are inmates informed about these</p> <p>15 opportunities to go to one of these cooled-off areas?</p> <p>16 A. There should be a posting on the bulletin</p> <p>17 board in the dorm. If -- you know, again, if the</p> <p>18 officer is witnessing stress or the inmate is having</p> <p>19 some difficulty in the -- in his activities and all,</p> <p>20 then should be allowed to go to that area.</p> <p>21 Q. So the --</p> <p>22 A. Request -- request permission from the</p> <p>23 officer, or in some cases we may escort him to our</p> <p>24 infirmary, wherever that may be.</p> <p>25 Q. So the -- there would be either a posting in</p>	<p style="text-align: right;">75</p> <p>1 upon the posting. I will tell you that not all</p> <p>2 postings go -- you know, the commissary will post</p> <p>3 their list every so often of items that we're out of</p> <p>4 stock and things, and those wouldn't be. But I guess</p> <p>5 I would answer that, it's dependent upon the posting.</p> <p>6 Q. Would a posting about protecting prisoners</p> <p>7 from heat be something that a -- the warden should be</p> <p>8 keeping?</p> <p>9 A. I'm not sure that there is a requirement for</p> <p>10 that posting to be filed somewhere. Again, based upon</p> <p>11 my experience as being a warden and my operational</p> <p>12 review sergeant on my unit, I had that individual</p> <p>13 responsible for posting things on the day room, and</p> <p>14 they would keep a copy of what they were posting. But</p> <p>15 I can't tell you there is any clear guidelines out</p> <p>16 there about what they should keep copies of and what</p> <p>17 they should not.</p> <p>18 Q. Okay. Take a look at Exhibit 52 for me,</p> <p>19 Mr. Stephens.</p> <p>20 A. Yes, sir.</p> <p>21 Q. That's a letter that we talked about with</p> <p>22 Mr. Thaler that has Mr. Livingston's signature on it</p> <p>23 to Representative Sylvester Turner. Does that look --</p> <p>24 is that right?</p> <p>25 A. That's correct.</p>
<p style="text-align: right;">74</p> <p>1 the dorm on the bulletin board, or the officer, if</p> <p>2 they noticed somebody looked in distress, they could</p> <p>3 say, hey, do you need to go to cool off?</p> <p>4 A. That is correct.</p> <p>5 Q. Any other ways that an inmate would be</p> <p>6 informed by TDCJ about that opportunity?</p> <p>7 A. At this point, I can't recall any other way.</p> <p>8 Q. How does a posting on the bulletin board get</p> <p>9 approved?</p> <p>10 A. The warden approves postings on the bulletin</p> <p>11 board. Now, there is times, because of maybe a</p> <p>12 systemic issue, the director or the division head,</p> <p>13 because of the -- I guess, the wide significance of it</p> <p>14 that would require it to be posted on the board.</p> <p>15 Q. Generally, like a correctional officer, a</p> <p>16 low level officer, couldn't just put something up on</p> <p>17 the board, though. It should be approved by the</p> <p>18 warden. Is that --</p> <p>19 A. Generally, that doesn't happen. The warden</p> <p>20 approves the posting on the bulletin board.</p> <p>21 Q. And are copies of those postings kept</p> <p>22 anywhere? Like if the warden said, we're going to put</p> <p>23 this posting up about heat, would a copy of that go in</p> <p>24 the file somewhere?</p> <p>25 A. I -- my experience is that it's dependent</p>	<p style="text-align: right;">76</p> <p>1 Q. Were you involved in the drafting of this</p> <p>2 letter?</p> <p>3 A. I don't remember being involved in this</p> <p>4 drafting.</p> <p>5 Q. Do you know -- before today, had you ever</p> <p>6 seen a copy of that letter?</p> <p>7 A. No, sir. And I will say that up until</p> <p>8 getting the job that I have now, I don't think I ever</p> <p>9 drafted a letter for Mr. Livingston.</p> <p>10 Q. Okay. Is that something you do in your</p> <p>11 current position?</p> <p>12 A. I've done one.</p> <p>13 Q. What was that about?</p> <p>14 A. It was -- it was a response to a family</p> <p>15 member, and I think I did such a bad job they won't</p> <p>16 ask me again.</p> <p>17 Q. That's a good way to get out of things in</p> <p>18 the future.</p> <p>19 A. Well, it wasn't on purpose. I tried.</p> <p>20 Q. All right. Let's talk about these directors</p> <p>21 meetings.</p> <p>22 A. Sure.</p> <p>23 Q. You are looking at Exhibit 53. That's the</p> <p>24 meeting from July 2010. Is that right?</p> <p>25 A. That's correct.</p>

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<p style="text-align: right;">77</p> <p>1 Q. Did you attend that meeting?</p> <p>2 A. I don't remember if I was there or not. I</p> <p>3 see my name up here as presenting some agenda topics.</p> <p>4 Q. Would that indicate to you that you probably</p> <p>5 were at the meeting or --</p> <p>6 A. That would indicate that I was probably</p> <p>7 there, yes, sir.</p> <p>8 Q. But you don't remember this meeting</p> <p>9 specifically. Is that fair?</p> <p>10 A. No, sir.</p> <p>11 Q. Okay. I will refer you to page 469. Do you</p> <p>12 see where it says Heat Issues?</p> <p>13 A. I see that.</p> <p>14 Q. Do you see it says, make sure you are</p> <p>15 covering in wardens meetings?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Do you remember what was discussed there?</p> <p>18 A. No, sir. I -- and, again, I don't know who</p> <p>19 wrote this. Whose handwriting this is.</p> <p>20 Q. Fair that's not your handwriting?</p> <p>21 A. That's fair.</p> <p>22 Q. Okay. Do you remember if you presented on</p> <p>23 this issue at this meeting?</p> <p>24 A. I -- no, I don't remember. I would only</p> <p>25 assume I did since it's part of my agenda topics on</p>	<p style="text-align: right;">79</p> <p>1 and Jail Operations for the Correctional Institutions</p> <p>2 Division --</p> <p>3 A. Well, I oversaw the regional directors in</p> <p>4 the operations who oversaw the wardens, I had</p> <p>5 responsibilities on the -- I guess, the security</p> <p>6 operations of the units. I was responsible for</p> <p>7 security -- a separate office of security systems that</p> <p>8 takes care of staffing and the technology, the camera</p> <p>9 systems, our use of force equipment, our armories</p> <p>10 equipment, as well as the canine coordinator who is</p> <p>11 responsible for our tracking dogs, our narcotics dogs,</p> <p>12 our search and rescue dogs, our canine dogs, as well</p> <p>13 as over the field operations and field force</p> <p>14 operations.</p> <p>15 Q. What is field force operations?</p> <p>16 A. That's -- you see the offenders work outside</p> <p>17 in the gardens and doing the landscaping, you</p> <p>18 probably -- if you have seen it before, the officers</p> <p>19 typically are on horseback and the offender is doing</p> <p>20 the work out there. It's usually garden type work.</p> <p>21 Q. And you oversee that entire operation -- the</p> <p>22 entire --</p> <p>23 A. There is a major that is assigned to that</p> <p>24 security systems. He is over -- he does all the</p> <p>25 technical and the direct oversight of it.</p>
<p style="text-align: right;">78</p> <p>1 the front page.</p> <p>2 Q. Okay. Do you remember ever discussing heat</p> <p>3 issues at directors meetings?</p> <p>4 A. Oh, yes, sir.</p> <p>5 Q. Okay. I mean, when I say "discussing," I</p> <p>6 mean you leading the discussion.</p> <p>7 A. Yes, sir.</p> <p>8 Q. Okay. You've done that?</p> <p>9 A. Yes, sir.</p> <p>10 Q. You may well have done it in July of 2010?</p> <p>11 A. I may well have done it.</p> <p>12 Q. Okay. And it looks like the note here says</p> <p>13 to make sure you're covering in wardens meetings. Is</p> <p>14 the wardens meeting the meeting that the regional</p> <p>15 director has with the wardens?</p> <p>16 A. That is right. Just as Mr. Thaler said</p> <p>17 before is, the typical practice is, after the CID</p> <p>18 meeting, the regional directors go back in their</p> <p>19 respective regions and conduct a meeting with all of</p> <p>20 their wardens and their regional team.</p> <p>21 Q. And in July of 2010, you were the deputy</p> <p>22 director of Prison and Jails Operations for the</p> <p>23 Correctional Institutions Division. Is that right?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Tell me what the deputy director of Prison</p>	<p style="text-align: right;">80</p> <p>1 Q. And then you supervise the majors. Is</p> <p>2 that --</p> <p>3 A. Well, that major would actually report to</p> <p>4 the warden of security systems, who reported directly</p> <p>5 to me.</p> <p>6 Q. I see. So you kind of, as your role as</p> <p>7 regional director -- as deputy regional director, or</p> <p>8 deputy director -- let me just start over.</p> <p>9 Your role as deputy director of the</p> <p>10 Prison and Jail Operations for the Correctional</p> <p>11 Institutions Division, these were kind of the areas</p> <p>12 that you were assigned to supervise within the total</p> <p>13 operations of the correctional institutions?</p> <p>14 A. Within the Correctional Institutions</p> <p>15 Division.</p> <p>16 Q. Okay. The armories, we talked about that</p> <p>17 with Mr. Thaler. To your knowledge, are the armories</p> <p>18 at all of the prisons in air conditioned parts of the</p> <p>19 prison?</p> <p>20 A. I make that assumption. All of the ones</p> <p>21 that I've been associated with were.</p> <p>22 Q. The canine unit, you said that was the</p> <p>23 tracking dogs?</p> <p>24 A. There is tracking dogs, then we have dogs</p> <p>25 that are trained for narcotic detection, cell phone</p>

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Stephen McCollum, et al. v.
Brad Livingston, et al.

William L. Stephens
October 18, 2013

<p style="text-align: right;">97</p> <p>1 warden should be involved in that. I don't know about 2 that statement, though. I don't know if this was -- 3 the whole deal was the ultimate responsibility of the 4 warden or -- I'm not sure what -- 5 Q. Sure. But as a general matter, you would 6 agree that whether or not it was the warden's 7 responsibility in this specific situation, that 8 generally -- 9 A. I believe the warden should have processes 10 in place to provide that offender access to medical 11 care. 12 Q. Let's go to page 603. 13 A. Page two -- three. 14 Q. You see at the top there where it says Heat 15 Precautions, and then says PAT Test? 16 A. I do. 17 Q. Do you remember if this officer who died 18 during the PAT test had anything to do with the 19 temperatures? 20 A. No, sir, I do not. I believe it was a -- I 21 believe this officer was taking the PAT test, and as 22 y'all were asking Mr. Thaler earlier, I felt real bad 23 because I can't remember his name. But I do remember 24 he was taking the physical agility test and had a 25 heart attack during the process of taking the test.</p>	<p style="text-align: right;">99</p> <p>1 Q. Things that are reported to the -- that EAC 2 reports would be generated for? 3 A. All of the different reports? 4 Q. Sure. 5 A. I don't know if they raise in the summer or 6 not. I don't know if, you know, when you look at the 7 totality of all the EAC reports, if there is actually 8 more that occur in the summer than the winter. I 9 haven't studied it that close. 10 Q. You've never looked at like a bar graph that 11 shows -- 12 A. Right. I've seen many and didn't pay 13 attention to whether it was more total incidents in 14 the summer than more -- than in the winter. 15 Q. Okay. Do you know if there would be anyone 16 who would know that? 17 A. Well, I assume the EAC, if we looked at 18 their reports, it may show that. I mean, if you're 19 just trying to determine, are there more incidents in 20 the summer months than in the winter months, they 21 would have that data. 22 Q. And that would be -- 23 A. Emergency Action Center. 24 Q. The name here is Kathy Cleere, would she 25 be --</p>
<p style="text-align: right;">98</p> <p>1 Q. Do you remember like what month of the year 2 that happened? 3 A. That -- it's dated up here May, so I'm 4 assuming it happened sometime before May. And I'm 5 just assuming that this was a necessary -- so I'm 6 thinking April or March, but I'm not sure. I'm not 7 sure. 8 Q. And is it -- it's your recollection, like 9 Mr. Thaler, that there is nothing that heat and this 10 officer's death have to do with each other, other than 11 they happen to be on this page next to each other? 12 A. Yeah. I think that's two separate topics. 13 Q. Okay. Let's look at Number 56. This is the 14 July 14, 2011 directors minutes. Is that right? 15 A. Yes, sir, it is. 16 Q. And let's look at page 618. 17 A. Yes, sir. 18 Q. Do you see where it EAC Update? 19 A. Yes, sir. 20 Q. You see where it says, incidents have 21 increased with hot weather? 22 A. Yes, sir. 23 Q. Is that typically true during the summer, 24 that EAC incidents go up? 25 A. EAC incidents?</p>	<p style="text-align: right;">100</p> <p>1 A. She's retired. 2 Q. She's retired. Who is in her position now? 3 A. The person that I would tell you to -- if 4 you're trying to find someone to go to would be in 5 Executive Services. It would be Karen Hall. 6 Q. Hall, like you walk down a hall, H-a-l-l? 7 A. Yes, sir. 8 Q. And it says here that there were ten 9 offender, 20 employee heat-related issues as of 10 July 2011. I assume that's for that calendar year. 11 Does that seem fair? 12 A. Again, that's an assumption. I don't know 13 if that's ten to 20 in the last two months, ten or 20 14 in the last month, in the last week, I don't know 15 that. 16 Q. Okay. Do those numbers concern you that 17 there would be ten offender and 20 employee 18 heat-related issues? 19 A. Well, certainly I think that heightens 20 everyone's awareness, that, they, this is amongst us, 21 this is real. Let's make sure that we're training our 22 staff, make sure we're keeping this at the forefront 23 of our activities. 24 Q. Do you know how serious a heat-related issue 25 needs to be to show up on an EAC report?</p>

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN MCCOLLUM, *et al.*,
Plaintiffs,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

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§

CIVIL NO. 4:14-CV-3253

Exhibit 68

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHEN McCOLLUM, §
STEPHANIE KINGREY, and §
SANDRA McCOLLUM, §
individually and as §
heirs at law to the §
Estate of LARRY GENE §
McCOLLUM, §

Plaintiffs, §

VS §

BRAD LIVINGSTON, JEFF §
PRINGLE, and the TEXAS §
DEPARTMENT OF CRIMINAL §
JUSTICE, §

Defendants. §

CIVIL ACTION NO.
3:12-cv-02037

ORAL AND VIDEOTAPED DEPOSITION OF

KAREN SUE TATE

FEBRUARY 7, 2013

ORAL AND VIDEOTAPED DEPOSITION OF KAREN
SUE TATE, produced as a witness at the instance of the
PLAINTIFFS, and duly sworn, was taken in the
above-styled and numbered cause on the 7th day of
February, 2013, from 3:57 p.m. to 5:49 p.m., before TINA
TERRELL BURNEY, CSR in and for the State of Texas,
reported by machine shorthand, at the Hutchins State
Jail, 1500 E. Langdon Road, Dallas, Texas 75241,
pursuant to the Federal Rules of Civil Procedure.

Stephen McCollum, et al.
Brad Livingston, et al.

Karen Sue Tate
February 07, 2013

1 Q. As somebody who's worked at TDCJ for ten
2 years, do you think it would be reasonable to let people
3 have personal fans when the temperatures are high during
4 the summer?

5 A. That's not my decision, sir, and for safety
6 and security, I don't know that I would.

7 Q. Okay. Was -- on the night shift, are jugs of
8 water brought to the prisoners in the dorms to drink
9 from?

10 A. They're changed out, yes, sir.

11 Q. Are there jugs available for them to drink
12 from in the night shift?

13 A. Yes, sir.

14 Q. Okay. Are prisoners required to be in their
15 bunks at certain times?

16 A. Yes, sir, we have certain times.

17 Q. What are those times?

18 A. Count time or rack time.

19 Q. What is -- count time is when you're counting
20 them?

21 A. When we're physically counting, yes.

22 Q. What's rack time?

23 A. Bedtime.

24 Q. And when does -- when is bedtime, and how long
25 after bedtime do you have to remain in your bunk?

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Stephen McCollum, et al.
Brad Livingston, et al.

Karen Sue Tate
February 07, 2013

1 A. They go to bed generally around 10:30 at
2 night, between 10:30 and 11:00.

3 Q. And when -- when's wake up time?

4 A. Wake up time is at chow. We call them all to
5 wake them up and get ready for chow.

6 Q. And what time is chow?

7 A. Chow generally starts around 3:00 o'clock.

8 Q. And can they get up from their bunk between
9 rack time and chow?

10 A. Yes, sir.

11 Q. For what reason?

12 A. Restroom. If they have a need, you know, if
13 they need the rover.

14 Q. Can they get up to get water out of the jug?

15 A. Yes, sir.

16 Q. Okay. Have you ever had a heat stroke or heat
17 exhaustion while working here at the Hutchins Unit?

18 A. Not to my knowledge, sir.

19 Q. Have you ever felt dizzy or nauseous during
20 the summer here?

21 A. No, sir.

22 Q. How many jugs of water would have been in the
23 dorm at the -- on the night shift in July of 2011?

24 A. There would have been a large Igloo in each
25 dorm.

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APPENDIX 1700

Stephen McCollum, et al.
Brad Livingston, et al.

Karen Sue Tate
February 07, 2013

1 A. I'm not aware that we met, no, sir.

2 Q. Okay. You don't remember ever having a
3 conversation with him or anything like that?

4 A. No, sir.

5 Q. Did you ever -- I'm sure you recall Mr.
6 McCollum was a rather large individual. Do you remember
7 that?

8 A. Yes, sir.

9 Q. And he was on the top bunk. Do you remember
10 that?

11 A. Yes, sir.

12 Q. Do you -- did you ever notice someone that
13 large being on the top bunk before you were called to
14 his bedside?

15 A. When they brought it to my attention.

16 Q. Who -- who brought it to your attention?

17 A. The large offender.

18 Q. Okay. Okay. Because generally offenders
19 would prefer to be on the bottom bunk; is that fair?

20 A. That's fair.

21 Q. Okay. Do you remember seeing Mr. McCollum
22 being on the top bunk and thinking that was odd or
23 unusual for someone of his size to be on the top bunk?

24 A. No, sir.

25 Q. Looking back, do you think it was odd that

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APPENDIX 1701

Stephen McCollum, et al.
Brad Livingston, et al.

Karen Sue Tate
February 07, 2013

1 someone of his size was on the top bunk?

2 A. No, sir. Not all of them prefer a bottom
3 bunk.

4 Q. Do you think that it was a good idea for
5 someone of his size to be on the top bunk?

6 MR. HARRIS: Objection, vague. Calls for
7 speculation.

8 A. I didn't have an opinion.

9 Q. Do you have an opinion now as to whether that
10 was a good idea, to have someone of his size on the top
11 bunk?

12 MR. HARRIS: Objection, vague. Calls for
13 speculation.

14 A. I don't know his preference, sir.

15 Q. Well, ignoring his preference, from a
16 correctional perspective, from your perspective as a
17 sergeant at -- who's worked for TDCJ for ten years, do
18 you think it was a good idea for someone of his size to
19 be on the top bunk?

20 MR. HARRIS: Objection, vague. Calls for
21 speculation.

22 A. I don't have an opinion.

23 Q. Okay. Is anything ever done to make sure that
24 a prisoner is going to chow?

25 A. How?

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Stephen McCollum, et al.
Brad Livingston, et al.

Karen Sue Tate
February 07, 2013

1 Q. Do you remember if you were in a building or
2 between buildings or...

3 A. I don't remember.

4 Q. You don't remember if you were in the -- the
5 administration building in the front or in one of the
6 dorms in the back?

7 A. I was in the building areas.

8 Q. The building areas meaning where the dorms
9 are?

10 A. On the walkway or in one of the buildings. I
11 can't tell you exactly.

12 Q. Okay. How did you know that Mr. McCollum was
13 in trouble?

14 A. Over the radio. It was radioed.

15 Q. Who-- who do you remember talking to on the
16 radio?

17 A. To my recollection, I believe Officer Jolayemi
18 announced that they had an -- an offender that was
19 having a seizure.

20 Q. And did you talk back with Officer Jolayemi?

21 A. I told her that I was en route.

22 Q. How long did it take you to get from where you
23 received that radio call to the dorm?

24 A. A few minutes.

25 Q. More than 10 minutes?

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN MCCOLLUM, *et al.*,
Plaintiffs,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

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CIVIL NO. 4:14-CV-3253

Exhibit 69

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHEN McCOLLUM,	§	
STEPHANIE KINGREY, AND	§	
SANDRA McCOLLU,	§	
INDIVIDUALLY AND AS	§	
HEIRS AT LAW TO THE	§	
ESTATE OF LARRY GENE	§	
McCOLLUM,	§	CIVIL ACTION NO.
Plaintiffs,	§	3:12-CV-02037
	§	
VS.	§	
	§	
BRAD LIVINGSTON, JEFF	§	
PRINGLE, RICHARD CLARK,	§	
KAREN TATE, SANDREA	§	
SANDERS, ROBERT EASON,	§	
THE UNIVERSITY OF TEXAS	§	
MEDICAL BRANCH AND THE	§	
TEXAS DEPARTMENT OF	§	
CRIMINAL JUSTICE,	§	
Defendants.	§	

* * * * *

ORAL AND VIDEOTAPED DEPOSITION OF
RICHARD C. THALER
VOLUME 1

October 18, 2013

* * * * *

ORAL AND VIDEOTAPED DEPOSITION OF RICHARD C. THALER, produced as a witness at the instance of the PLAINTIFFS, and duly sworn, was taken in the above-styled and numbered cause on October 18, 2013, from 9:00 a.m. to 4:35 p.m., before Brenda J. Wright, RPR, CSR in and for the State of Texas, reported by machine shorthand, at the Office of the Attorney General, 300 West 15th Street, Suite 1200, Austin,

Stephen McCollum, et al. v.
Brad Livingston, et al.

Richard C. Thaler
October 18, 2013

1 A. Yes, sir.

2 Q. Okay. Did you read any of the depositions
3 of the other correctional officers?

4 A. No, sir.

5 Q. Okay. 82.015, which is the EAC summary
6 review process?

7 A. I believe so, yes, sir.

8 Q. Okay. Policy 10.64, which is dealing with
9 temperature extremes --

10 A. Extremes --

11 Q. -- in the workplace only. Correct?

12 A. Yes. That's -- yes.

13 Q. It doesn't -- it's not a policy designed for
14 assessing indoor housing temperatures. Correct?

15 A. The directive currently does not address
16 that issue, yes, sir.

17 Q. That is a -- is that a hole in the system
18 that you think should be fixed?

19 A. Sure. I think that through discussions
20 with -- in these cases, to make sure that staff is
21 clear on -- extremely clear on their obligations out
22 there. And I would feel, from being a warden in the
23 field for many years, I was pretty clear that heat
24 extremes could occur in any area of the facility,
25 inside or outside. So mitigation steps that we took

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Brad Livingston, et al.

Richard C. Thaler
October 18, 2013

1 to mitigate those heat issues for many years didn't
2 stop at the dorm door.

3 Q. Okay.

4 MR. EDWARDS: Let me just object as
5 nonresponsive after "sure."

6 Q. (BY MR. EDWARDS) And that's just lawyering
7 stuff, so...

8 Do you know why there isn't -- strike
9 that.

10 Do you know why there wasn't an actual
11 policy designed and implemented by the Texas
12 Department of Criminal Justice concerning extremely
13 high temperatures inside the housing areas?

14 A. Well, I think in reviewing our efforts over
15 the years that I have been with the system,
16 particularly in the administrative positions from
17 where -- the warden's position and above, those steps
18 were initiated at the facility level. For many years,
19 as I'm sure we'll get to here eventually, an e-mail
20 has been sent out from the central administration
21 outlining the need to ensure we're addressing
22 heat-related conditions in all areas of our facility.

23 Q. Sure.

24 A. Very few -- very few issues in our system
25 rise to the level that the central office has for many

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Richard C. Thaler
October 18, 2013

1 years put out basically a public notice to all staff
2 as this is a high priority in our system. So that had
3 served to be effective for many years to bring focus
4 to the subject matter going into each seasonal period.
5 And that, in addition to the policies that we have in
6 place about appropriately housing the offenders in our
7 system as a whole, dealt with those issues.

8 Q. Okay. You're talking about this informal
9 e-mail that went out every year, every May, about the
10 dangers of heat and you've got to take steps to
11 protect inmates from the dangers of heat. Right?

12 A. Yes, sir.

13 Q. Okay. And there has been testimony in this
14 case that that served as some sort of de facto
15 practice or policy of the agency. Would that be your
16 opinion as well?

17 A. It surely served as a directive memo to the
18 agency for staff to take at a minimum those
19 precautionary steps to mitigate the heat.

20 Q. Okay. But my question is a little bit
21 different. My question is, why did that informal
22 e-mail not become a formal agency process, if you
23 know?

24 A. I don't know specifically why it didn't
25 become a formal process, but that directive is just as

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Richard C. Thaler
October 18, 2013

1 strong as any policy that is put in place. And, in
2 fact, in some cases, emphasizes the subject matter
3 even more so.

4 Q. Has anybody in the Texas Department of
5 Criminal Justice ever been disciplined for not
6 adhering to that informal e-mail, to your knowledge?

7 A. I don't know to my knowledge. I don't know
8 of anyone to my knowledge.

9 Q. Okay. Are you aware of anyone not
10 adequately protecting inmates from heat, to your
11 knowledge?

12 A. To my knowledge -- can you repeat the
13 question?

14 Q. Yeah. Are you aware of anyone ever in the
15 Texas Department of Criminal Justice system not
16 adequately protecting inmates from the dangers of
17 extreme heat?

18 MS. COOGAN: Objection. Form.

19 Q. (BY MR. EDWARDS) And I assume you would be.

20 A. Well, again, directly in those -- in those
21 cases out there, I am trying to remember of a specific
22 incident. But we do have processes and procedures out
23 there, and I'm not going to attest that every staff
24 member that has ever been in our agency has always
25 followed those. But a specific example, I can't name

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Stephen McCollum, et al. v.
Brad Livingston, et al.

Richard C. Thaler
October 18, 2013

1 A. Yes, sir.

2 Q. They work hand in hand, to your knowledge?

3 A. As all division directors do, yes, sir.

4 Q. Did Mr. Stephens function kind of as your
5 chief of staff in a way?

6 A. I wouldn't say that. All three deputy
7 directors carried on different responsibilities and
8 covered different components of the Correctional
9 Institutions Division, so Mr. Stephens surely had his
10 portion of that.

11 Q. Each of them collectively functioned as
12 essentially a chief of staff for you?

13 A. Yes.

14 Q. Fair?

15 A. They reported -- I relied on them to -- to
16 bring issues to my attention that needed to be
17 addressed, yes, sir.

18 Q. Okay. When a policy is finally made, is
19 Director Livingston -- does it require his approval?

20 A. In -- there is different signatures, but in
21 most cases an administrative directive would be signed
22 by Mr. Livingston. There are some administrative
23 directives that would be signed by the executive
24 deputy director.

25 Q. Would he be involved at all in -- did you

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Brad Livingston, et al.

Richard C. Thaler
October 18, 2013

1 ever -- I mean, did you have personal conversations
2 with Director Livingston about the extreme heat inside
3 the Texas prison system, generally?

4 A. In general, particularly in -- as we went
5 into each seasonal year, we surely generated the
6 initial notification to all staff. There, I'm sure,
7 were conversations that we had as we were going into
8 each seasonal period where I would assure
9 Mr. Livingston that directions were put out to the
10 field and training was being conducted. As we had the
11 incidents occur in 2011, I would have surely discussed
12 with Mr. Livingston the subject matter of the
13 incidents that were occurring and steps that were
14 being taken to address the issue.

15 Q. Okay. So the individuals that died in --
16 well, when did you take over your job as --

17 A. 2009.

18 Q. 2009. Okay. So any offender death that was
19 linked to hyperthermia, you would have discussed that
20 with Director Livingston?

21 A. I can't say that I discussed specific
22 individual incidents with Mr. Livingston in all cases.
23 In some cases, the cause of death wasn't identified
24 until sometime after -- after the incident. But the
25 general subject matter about, as Health Services

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1 A. I would assume that Mr. Livingston is
2 knowledgeable about policies within the agency, yes,
3 sir.

4 Q. Well, specifically, would you expect him to
5 be knowledgeable about the particular danger that
6 heat, extreme heat inside the prison system poses to
7 inmates?

8 MR. ANASTASIDIS: Objection. Asked and
9 answered, and also calls for speculation.

10 A. Again, I think I answered your question. I
11 can't speak to his knowledge. Again, generally, I
12 would say that Mr. Livingston is aware of most issues
13 within the agency and policies that are written to
14 address those issues.

15 Q. (BY MR. EDWARDS) Okay. Well, when you talk
16 to him about people dying due to -- of hyperthermia
17 due to indoor heat, was he surprised?

18 A. I surely don't think that -- particularly,
19 when we had the first discussion in 2011, that any of
20 us were anticipating or expecting any deaths to occur.
21 So I don't know if "surprise" is the right word, but
22 it surely was information that we had discussed that
23 we never had discussed before.

24 Q. Prior to 2011, you never talked about deaths
25 in the Texas prison system with -- with Director

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1 Livingston relating to heat?

2 A. No, sir, I did not.

3 Q. Okay. Were you aware that other people had
4 died in the Texas prison system due to heat-related
5 illness prior to 2009?

6 A. I cannot say that -- that I had direct
7 knowledge relating to any specific incident of a
8 heat-related illness death in the system prior to
9 2009.

10 Q. Well, were you aware that correctional
11 officers would routinely complain about the high heat
12 inside the prison?

13 A. I don't know that I would use the word
14 "routinely." I worked inside those systems for many
15 years myself, and surely conditions were uncomfortable
16 but not unbearable.

17 Q. Okay. Let me change it. Were you aware
18 that correctional officers throughout the prisons in
19 TDCJ system would complain about the heat and how hard
20 it was for them to work in that heat?

21 A. Again, I might have not answered your
22 question directly, but as it relates to formal
23 complaints rising to my level, individuals bringing
24 complaints from staff to my level, I cannot say that I
25 recall having specific conversations about complaints

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1 coming from staff in the field.

2 Q. Would it surprise you to learn that
3 correctional officers have, in fact, complained about
4 the intense heat at the Hutchins Unit?

5 A. It wouldn't surprise me that there are some
6 staff members that would complain about many
7 conditions, to include the environment they work in.

8 Q. Well, does the environment you work in, is
9 it 100 degrees on a consistent basis during the
10 summer?

11 A. The environment that I worked in?

12 Q. Yes.

13 A. For the most part, no, not during the
14 position that I held as director for the agency.

15 Q. Right. Your office was air conditioned.
16 Right?

17 A. Yes, it was.

18 Q. All of your senior staff's offices were air
19 conditioned. Right?

20 A. Yes, sir.

21 Q. All of your wardens' offices, including
22 Warden Pringle at the Hutchins Unit, their office is
23 air conditioned. Right?

24 A. Yes, sir.

25 Q. Your correctional officers and the inmates

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1 A. I'm aware of some incidents, particularly in
2 2011, where hypothermia was determined to be the cause
3 of death, yes, sir.

4 Q. Not just 2011, 2012. Right?

5 A. There are a couple of instances in 2012,
6 yes, sir.

7 Q. And I assume you would agree with me that a
8 couple of incidents in 2012 is a couple of incidents
9 too many. Right?

10 A. I would agree.

11 Q. And I assume you would agree with me that
12 ten incidents in 2011 is off the charts too many.
13 Right?

14 A. I would agree that any number is too many.

15 Q. Okay. Because this is not a problem that
16 can't be fixed. Right? This is a problem that can be
17 fixed?

18 MR. GARCIA: Objection. Is there a
19 question in there?

20 Q. (BY MR. EDWARDS) Isn't this a problem that
21 can be fixed by lowering the temperature and
22 eliminating the potential for extreme heat to cause
23 heat stroke?

24 MR. GARCIA: Objection, compound
25 question. Objection, speculation.

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1 MS. COOGAN: And vague. By whom?

2 A. Again, we have safely housed individuals in
3 our institutions for many years. There surely is a --
4 an environment where temperatures are not controlled,
5 and portions of our populations do live in those
6 environments. It's been our practice to ensure that
7 appropriate steps are taken to mitigate the heat in
8 those particular circumstances, and that offenders are
9 appropriately housed in accordance with their health
10 service needs, so...

11 Q. (BY MR. EDWARDS) I appreciate that, sir,
12 and I don't mean to be rude --

13 MR. EDWARDS: But I'm going to object
14 as nonresponsive.

15 Q. (BY MR. EDWARDS) Did you safe -- did the
16 Texas Department of Criminal Justice safely house
17 Larry Gene McCollum?

18 MR. ANASTASIDIS: Objection, vague and
19 calls for speculation.

20 A. I don't know what you mean by safely house,
21 but I will respond to that question of, Mr. McCollum
22 suffered from a heat-related illness. The autopsy
23 indicated that it was from hyperthermia, so the living
24 conditions were a partial causal factor of his death.

25 Q. (BY MR. EDWARDS) Did you review his

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1 should be doing. Fair?

2 A. Right.

3 Q. Did you do that in 2011, in the summer of
4 2011, did you do everything possible to stop these
5 deaths by heat stroke in the summer of 2011?

6 A. I think that moving into the summer of 2011,
7 every reasonable step was taken to address those
8 issues. Those reasonable steps had been in place for
9 our -- for many years, and provide for that safe
10 environment for the offender population. In 2011,
11 there surely was a need to re-evaluate our processes
12 and make appropriate adjustments.

13 Q. Did it require ten people to die before you
14 started re-evaluating?

15 MR. GARCIA: Objection. Argumentative.

16 A. Again, any time we had a death, once the
17 issue arose in 2011, we immediately began looking at
18 the issue. Those deaths occurred in a very short
19 period of time over a -- a course of less than a
20 month. And our actions that were taken surely were
21 implemented as we moved forward to identify those
22 individuals and any individuals that additional needs
23 were required to avoid similar incidents.

24 Q. (BY MR. EDWARDS) Okay. I want to make sure
25 I understand. I mean, is it the position of the Texas

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1 A. I would surely -- surely be wanting to
2 determine why they weren't being followed.

3 Q. (BY MR. EDWARDS) Because they're really
4 important to be provided. Right?

5 A. There surely are some important mitigating
6 steps there, yes, sir.

7 Q. Discuss the importance of making water
8 available to the inmates.

9 A. Again, in all our housing areas, of course,
10 water is available year round through water fountains
11 or water portals. During the summer months we bring
12 in additional water coolers. Again, in most cases,
13 those coolers should be replaced multiple times
14 throughout the day to allow for additional opportunity
15 for offenders to drink cool water in their housing
16 environment.

17 Q. And if that wasn't happening, you would be
18 critical. Correct?

19 A. I surely would want to know why it was not
20 happening, yes, sir.

21 Q. Well, regardless, whether it was not
22 happening because someone is just a mean, rotten
23 person, or someone is absolutely incompetent, you
24 would be critical. Right?

25 A. It surely would be a step that should be

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1 constantly monitored because, otherwise, you place
2 inmates in danger. Right?

3 A. Particularly during -- as the heat continues
4 to increase, that would be something that I would
5 surely think is reasonable and should be done.

6 Q. Okay. And these jugs of water we're talking
7 about, are they ten-gallon jugs that you might see at
8 a soccer game? The kind that you dump on the coach at
9 the Super Bowl?

10 A. Similar to that. Similar to those size,
11 yes, sir.

12 Q. Okay. Are you aware of how many cups of
13 water are in those jugs?

14 A. I don't know.

15 Q. Are you aware of what the recommended amount
16 of water a human being should drink in periods of heat
17 where it's greater than 90 degrees?

18 A. I can't say that I know, no, sir.

19 Q. As a policy maker for the Texas Department
20 of Criminal Justice, with actual authority make this
21 happen, don't you think you should be aware of that?

22 A. Well, again -- again, that -- that ice jug
23 there is to supplement the water supply that's
24 currently already in the dormitories. So I don't want
25 to make the assumption here that that is the only

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1 method by which offenders receive fluids in their
2 housing area. There are --

3 Q. Sinks you're talking about. Right?

4 A. There are water fountain spigots on the
5 sinks that are used as water fountains, similar to
6 water fountains that you would find in other -- in
7 other housing areas on other facilities.

8 Q. Is that warm water or ice cold water?

9 A. It's not ice cold water, no, sir.

10 Q. It's not like a water fountain in a little
11 elementary school. Right?

12 A. It's not chilled water, it is not. But it
13 is water, and hydration is -- the most important issue
14 here. That cool water surely preferred, but hydration
15 is important.

16 Q. Okay. Now, is hydration, in your opinion,
17 the most important issue or is lowering the
18 temperature an equally important issue?

19 MS. COOGAN: Objection. Calls for an
20 expert opinion.

21 A. Well, again, as it relates to providing
22 mitigating circumstances and from discussions with
23 health service staff, the most important thing that
24 you can do particularly to help reduce your body
25 temperature is to intake plenty of fluids during those

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1 Q. Okay. And was that developed in
2 coordination with UTMB or was that just developed by
3 TDCJ out the concern for its inmate population?

4 A. Well, I work with --

5 Q. If you know?

6 A. I work with Doctor Linthicum, so her
7 interaction with our health care providers, I could
8 not speak to the degree that -- that they worked
9 together on it. But it was something that
10 Doctor Linthicum and -- and I myself discussed.

11 Q. (BY MR. EDWARDS) Is Doctor Linthicum -- and
12 I apologize, I probably should know this -- is she
13 employed by UTMB or is she employed by TDCJ?

14 A. She is employed by TDCJ as the health
15 service director.

16 Q. Okay. So other than Doctor Linthicum, did
17 you discuss this with anyone at UTMB?

18 A. No, sir.

19 Q. Okay. All right. Now, when that initial --
20 I don't know if you call it assessment, or kind of
21 when they come in, assessing immediate needs, if the
22 UTMB person doing that were to say, this person needs
23 to be housed in an air conditioned environment, would
24 TDCJ follow that recommendation?

25 A. Yes.

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1 Q. That's like a hundred times out of a
2 hundred. You're not providing medical care, they are.
3 Right?

4 A. Well, again, any medical restrictions that
5 were placed on an offender, we surely -- medical
6 surely has the autonomy to make those decisions and we
7 would have to abide by them.

8 Q. Okay. Now, in a situation where UTMB said,
9 look, this person needs to be housed in an air
10 conditioned environment, would you be able to say,
11 whoa, huh-uh, that's too expensive. Or would you have
12 to follow their recommendation?

13 A. Again, if that were to happen today, then
14 the normal process would be that UTMB would notify the
15 unit administrator, the unit classification process.
16 We would have to find appropriate housing for that
17 offender. If it was potentially possible to put that
18 individual in a -- in a portion of the facility that
19 had controlled air on that particular facility, at
20 least temporarily, that would be the first action.

21 And then, subsequent to that,
22 classification would find an appropriate facility that
23 had conditioned air and that transfer would be
24 initiated for that individual.

25 Q. Okay. And there are, in fact, facilities

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1 instructions given, the same decisions could be made,
2 yes, sir.

3 Q. This -- after this e-mail is sent out, I
4 believe there has been previous testimony that --
5 well, strike that.

6 Are you responsible for sending out
7 Exhibit 50 or is somebody else responsible for it?
8 And I'm talking about that '09 to before you retired
9 time period.

10 A. Yeah. In most cases that would come from my
11 office. In some cases it might have been disseminated
12 from Mr. Stephens' office.

13 Q. Okay. There has been testimony in this case
14 that a circular, a risk management circular was read
15 aloud to officers about recognizing the signs and
16 symptoms of heat stroke and heat exhaustion. Were you
17 aware that that was going on in -- at the
18 Hutchins facility?

19 A. Not -- not directly aware, but heat
20 preparedness training, as I mentioned before, is
21 required to be conducted on each facility, in addition
22 to the training that the correctional staff receive as
23 they go through their pre-service and in-service
24 training.

25 Q. And this training was going on from the time

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1 you started your job as director of Correctional
2 Institutions Division. Right?

3 A. As far as I know, training -- yes.

4 Q. It wasn't in response to this epidemic of
5 heat deaths in 2011, was it?

6 A. No, sir.

7 Q. Okay. So you would expect that your
8 officers to be well versed in what the signs and
9 symptoms of recognizing heat stroke are. Right?

10 A. We surely try to ensure that they are
11 appropriately trained, and an additional step that is
12 taken is, they are provided a card that they carry on
13 person which would identify those signs for them.

14 Q. Certainly you would expect Warden Pringle to
15 understand what the signs and symptoms of heat stroke
16 are. Right?

17 A. Generally, yes, sir.

18 Q. If he had no idea what they were, would that
19 trouble you?

20 A. Well, again, I would think he would have
21 some general idea, but -- because --

22 Q. You certainly would hope that he would have
23 a general idea. Right?

24 A. Sure.

25 Q. Okay. I agree. If he didn't, would that

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1 identified, but adding that individual to the list
2 would surely allow for additional scrutiny by security
3 staff as they make their rounds.

4 Q. Better to identify it right away, because
5 there is no more protection and the benefit of
6 identifying and protecting the inmate actually occurs?

7 A. Well, again, it sure would be -- give us an
8 opportunity to interact with that inmate --

9 Q. Sure.

10 A. -- directly each time that we made our
11 rounds.

12 Q. And you're not saying that you need this
13 wellness checklist in order for officers to
14 appropriately respond to people who are showing signs
15 and symptoms of heat illness. Right? That's the
16 whole point of all your training that you do. Right?

17 MR. GARCIA: Objection. Compound.

18 A. Again, the officers are trained to identify
19 those illnesses. This wellness checklist was put in
20 place just as an additional measure to -- to identify
21 those struggling that might have a higher propensity
22 to those illnesses.

23 Q. (BY MR. EDWARDS) If Mr. McCollum was, in
24 fact, struggling for a period of days, and inmates
25 told officers about this, should they have gotten him

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1 to see the medical provider at the facility?

2 A. Surely if any staff member received
3 information that any offender needed medical
4 attention, they should have checked on that offender
5 and referred that individual to -- to the health
6 services department.

7 Q. Okay.

8 MR. EDWARDS: All right. We've got two
9 minutes left on the tape. Let's take a short break
10 and then we'll dive into your director meetings.

11 MR. GARCIA: How much more have you
12 got?

13 MR. EDWARDS: The 12 director meetings.
14 About an hour, I think.

15 THE VIDEOGRAPHER: Let's go off the
16 record. We're off the record at 1:10 p.m.

17 (LUNCH RECESS)

18 THE VIDEOGRAPHER: We're back on the
19 record. The time is 2:16 p.m.

20 Q. (BY MR. EDWARDS) Sir, we've taken a short
21 break for lunch. Are you ready to continue?

22 A. Yes, sir.

23 Q. Okay. We were talking a little bit about
24 the wellness checklist that I believe you told me was
25 implemented towards the end or at least after the

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(Deposition Exhibit No. 55 marked.)

MR. EDWARDS: Demetri, do you want one?

MR. ANASTASIDIS: Please. If you have
an extra copy, yes. Thank you.

Q. (BY MR. EDWARDS) I'm handing you
Exhibit 55. Is that a copy of your May 2011
Correctional Institutions Division directors meeting?

A. It is titled Correctional Institutions
Division directors meeting and dated 5-12-2011.

Q. Okay. It appear that you gave the opening
remarks at that meeting. Correct?

A. Again, if I was present, yes, I did.

Q. If you weren't present, who would have given
the opening remarks?

A. In most cases that would have been one of my
deputies, again.

Q. It does say, though, that the speaker was
yourself. Correct?

A. Yes, it does.

Q. Okay. All right. Why don't you flip over
to page 595.

A. Okay.

Q. And it looks like, in May of 2011, one of
your agenda topics is, again, heat precautions.

A. Yes, sir.

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1 Q. I mean, it appears to me, based on these
2 documents, you're personally involved in making sure
3 that precautions are taken at each of these
4 facilities, including the Hutchins facility. Is that
5 fair?

6 A. It surely would have been discussed at this
7 meeting with the regional directors.

8 Q. Okay. Would you flip to the next page, sir.
9 Do you recall discussing heat precautions at this
10 meeting?

11 A. Again, heat precautions was a topic that I
12 left on my agenda, and we discussed each time that we
13 met specific topics that were discussed in -- in June
14 of -- or May -- I'm sorry. May of 2011, I could not
15 detail or recall.

16 Q. Okay. You just know you talked about them?

17 A. Yes, sir.

18 Q. Okay. Take a look at the number three,
19 where it says, offender access to medical care.

20 A. Uh-huh.

21 Q. And then the person's name is Sharon Howell.

22 A. Yes, sir.

23 Q. As of May 12th, 2011, what position was --
24 did Sharon Howell hold with the department? If you
25 know?

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1 passed out.

2 Q. Okay. Well, it appears to say that the
3 incidents have increased with hot weather, and that
4 there have been ten offender and 20 employee
5 heat-related issues as of July 14th, 2011. Did I read
6 that correctly?

7 A. Yes, you did.

8 Q. Okay. I mean, to me, that would indicate
9 that all of the regional directors, Director Stephens
10 and yourself, are being made aware by the EAC people
11 that, look, the incidents with heat are rising, and
12 that there have been ten offender and 20 employee
13 heat-related issues to date, this year. Fair?

14 A. It indicates that many has occurred, yes.

15 Q. Okay. That's a -- that's 30 incidents.
16 Correct?

17 A. That's 30 incidents, ten offenders out of
18 156,000.

19 Q. Okay. Is that how you look at it? Ten
20 offenders out of 156,000?

21 MR. GARCIA: Objection. Argumentative.

22 MR. ANASTASIDIS: Objection.

23 Argumentative.

24 A. Again, we have to look at -- measure the
25 number of incidents that we're having across the

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1 board. If it's a larger number, it surely would be of
2 greater concern. 20 employees out of 35,000, surely
3 something we would also have to look at. If that
4 number spikes from year to year at any particular
5 time, it's surely an indicator that we need to ensure
6 that we're taking appropriate measures to increase our
7 focus on the issue and make sure that we're doing
8 everything that we say we're doing.

9 Q. (BY MR. EDWARDS) Okay. And that's what --
10 I mean, to me, that suggests, look, that's a number
11 that is significant enough for a person in your
12 position at the time to say, hey, we need to make sure
13 we're doing what we're saying we're doing. Right?

14 A. Well, again --

15 MR. GARCIA: Objection. Is that a
16 question?

17 MR. EDWARDS: You bet it is.

18 A. Well, again, as covered when we started this
19 agenda, the topic of heat-related precautions was
20 covered repeatedly.

21 Q. (BY MR. EDWARDS) Uh-huh.

22 A. Those ten offenders would cover the array of
23 everything that's -- we're required to do on a monthly
24 basis inside our institutions. This takes us into the
25 middle of the summer. As I said, most heat-related

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Richard C. Thaler
October 18, 2013

1 instances that I recall, particularly as it dealt with
2 the offenders and employees were work-related issues.
3 So there surely were additional discussions about
4 ensuring that we were not taking offenders out in work
5 squads or in areas and exposing them to strenuous
6 activity during the hotter parts of the day. But we
7 worked thousands of offenders every day within our
8 institutions, and although, again, one illness or one
9 injury is important to us, ten in the perspective of
10 156,000 over a month and a half of the summer is -- is
11 surely a -- a number that wouldn't cause grave
12 concern.

13 Q. Would it cause you any concern?

14 A. Again, one incident would --

15 Q. This is 30, not one.

16 MS. COOGAN: Please let the witness
17 finish his answer.

18 A. As I mentioned before, incidents, no matter
19 what the precautions you take, are going to -- are
20 going to occur. So I would have to look at each
21 specific incident here to see whether or not that is
22 alarming or not. But just simply referencing the
23 number, to the scale of number of staff involved in
24 this process, the 35,000 that work out on our
25 facilities, those are -- that's a fairly minimal

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1 number for the job we're required to do day in, day
2 out, inside and outside our institutions.

3 Q. (BY MR. EDWARDS) Ten people died the summer
4 of 2011 from hyperthermia. Is that a minimal number
5 in the context of the amount of prisoners that TDCJ
6 houses?

7 A. Again, as was referenced earlier, one death
8 is too many. So we surely make all efforts to look at
9 every situation that we have to determine whether or
10 not policies and procedures were followed in each
11 particular incident, and make sure that we're meeting
12 our obligations to staff and the offender population
13 in -- as it relates to that particular subject matter.

14 Q. Well, my question is just, you've got --
15 you're on notice of -- at least as of July 14th, 2011,
16 and at this point, at least, in most of Texas, it's
17 starting to get really hot. Is that correct?

18 MR. ANASTASIDIS: Objection to the
19 phrase "really hot."

20 MR. GARCIA: Objection to the compound
21 nature of the question.

22 A. Again, I don't recall what the temperatures
23 were --

24 Q. (BY MR. EDWARDS) Do you recall the summer
25 of 2011, sir?

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN MCCOLLUM, *et al.*,
Plaintiffs,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

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§

CIVIL NO. 4:14-CV-3253

Exhibit 70

ORAL DEPOSITION OF SUSI VASSALLO, M.D.

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

3	STEPHEN McCOLLUM, et al.,)	
	Plaintiffs,)	
4)	
	v.)	CIVIL ACTION
5)	NO. 3:12-CV-02037
)	
6	BRAD LIVINGSTON, et al.,)	
	Defendants.)	

9	ORAL DEPOSITION
10	SUSI VASSALLO, M.D.
11	March 5, 2014

15 ORAL DEPOSITION OF SUSI VASSALLO, M.D., produced as
16 a witness at the instance of the Defendant UTMB and duly
17 sworn, was taken in the above-styled and numbered cause
18 on the 5th day of March, 2014, from 10:03 a.m. to
19 5:06 p.m., before Dalia F. Inman, Certified Shorthand
20 Reporter in and for the State of Texas, reported by
21 computerized stenotype machine at the offices of The
22 Edwards Law Firm, 1101 E. 11th Street, Austin, Texas
23 78702, pursuant to the Federal Rules of Civil Procedure
24 and the provisions stated on the record or attached
25 hereto.

ORAL DEPOSITION OF SUSI VASSALLO, M.D.

1 Q What about any cardio -- what about any
2 problems with his heart, were there any problems with
3 his heart on autopsy?

4 A The medical examiner specifically speaks to
5 that, and there -- heart was enlarged, and the medical
6 examiner says that the individual had cardiomyopathy.

7 Q And does he relate that to either hypertension
8 or diabetes?

9 A He related it to the history of hypertension.

10 Q Okay. You note in your blood work analysis
11 that the white blood count was elevated at 13.1.

12 A That is correct.

13 Q Among other things, would that indicate that he
14 was dehydrated?

15 A An elevated white blood-cell count can be a
16 sign of infection. There's a context for it. In this
17 case, the urine did show the possibility of infection
18 because there were 30 white blood cells present. It
19 could be a stress response, but usually if a patient has
20 sign of infection in either the chest or in this case
21 the urine or somewhere else, the skin, wherever that
22 infection, we relate the white blood cell count that was
23 elevated to the infection and say this infection is
24 causing an elevation in the white blood cell count as
25 well. In this case he had signs of infection, 30 white

ORAL DEPOSITION OF SUSI VASSALLO, M.D.

1 blood cells, which is abnormal for urine.

2 MS. COOGAN: Objection, nonresponsive.

3 Q (By Ms. Coogan) Can it also mean that he was
4 dehydrated or be a reflection that he was dehydrated?

5 A Well, 30 white blood cells is not a reflection
6 of dehydration.

7 Q I was asking about the white blood count
8 elevated at 13.1.

9 A That is -- white blood cell count elevation of
10 13.1 is not what we take a look for for dehydration.
11 That does not suggest to me that this is dehydration.

12 Q Okay. What about the trace ketones, the
13 specific gravity, hyaline casts. Are those normal,
14 1.028?

15 A The specific gravity is somewhat elevated. And
16 the fact that he has ketones, one of the causes of that
17 is dehydration. Another cause of that is starvation
18 where fat is broken down to be used for energy and
19 produces ketones. Another cause of that is diabetes
20 because the -- because ketones are produced when glucose
21 is inadequate and being used for -- ketone bodies are
22 produced in the setting of diabetes.

23 So I would say that these lab results
24 suggest to me that the patient was dehydrated.

25 Q And what is the significance of the dehydration

ORAL DEPOSITION OF SUSI VASSALLO, M.D.

1 Q -- common sense?

2 A I don't know for sure.

3 Q Okay. And then "Providing Mr. McCollum
4 immediate medical attention when he began to suffer
5 convulsions." And I think I have asked you this, but
6 just to be complete, do you have any reason to think
7 that the medical department was notified when he first
8 began to suffer convulsions but just didn't come to his
9 aid?

10 A The -- the -- when he first began suffering
11 convulsions is the question. The first responders
12 there, the corrections officers, notified each other.
13 And so it went, in my point of view, up, kind of, the
14 chain of command where there was no health professional
15 notified when he first became unresponsive or he was
16 noticed to be having seizures and be hot to the touch.

17 Q Okay. I want to skip around and ask you some
18 random followup questions that came to our minds during
19 the break.

20 What is an Alc test?

21 A The hemoglobin within the red blood cell is a
22 protein. It's sometime called a glycoprotein. It's --
23 over time it's exposed to glucose, and there's a
24 nonenzymatic process by which the hemoglobin, the
25 protein, is glycated, or glycated -- I say glycated --

ORAL DEPOSITION OF SUSI VASSALLO, M.D.

1 to hemoglobin.

2 It is a test that reflects -- to the
3 extent that it does reflect -- the glucose levels over
4 time. That time is up for debate in these articles, but
5 some people say two or three months. Although, when you
6 start people on therapy, you can sometimes see a drop in
7 their Alc in a matter of a couple of weeks.

8 So it's a glycation or -- of -- of
9 hemoglobin to glucose, to sugar.

10 Q So when a patient is given an Alc number like
11 in this case 62, that's not just a --

12 A 6.2, right?

13 Q Excuse me. 6.2 -- thank you -- that number is
14 not a snapshot on a particular given day, but is rather
15 a number that's been determined after a couple of months
16 or more of monitoring; is that right?

17 A Well, it is a snapshot. So it's a snapshot
18 because it's one value of one day. I think what you're
19 asking is, what does it tell you over time? I'm not
20 sure.

21 Q No --

22 A What are you asking?

23 It is a snapshot of that day, and that's
24 why it could be a little bit different the next day or
25 two days later. And it may have been a little bit

ORAL DEPOSITION OF SUSI VASSALLO, M.D.

1 different two weeks before.

2 Q Okay. So it's your testimony that the Alc
3 value is not a reflection of monitoring over a certain
4 period of time but it is rather a snapshot at one moment
5 in time?

6 A I may not really understand what you mean by
7 "snapshot." It's -- it's a single value. And like I --
8 when you asked me what hemoglobin Alc is, I explained
9 that it reflects some physiologic process occurring over
10 time. In that sense, it's not a snapshot. It's a
11 video, okay. So it's just -- it reflects something
12 that's been going on over a period of time. So it's
13 a -- it's a -- it's a -- one value that reflects a
14 physiologic process that's been going on over time; that
15 is, the glycation of hemoglobin to sugar.

16 Q And so how do you -- how -- how does it happen
17 that it could be different one day from the next?

18 A Well, there's natural variation in all lab
19 tests. There's a range of normal. There's -- let's put
20 it this way. There's a confidence limit. So every test
21 has a range of error on it and it has a -- an accuracy
22 range, okay. In research they call them confidence
23 bars. So there's a range.

24 So -- and in fact, the organizations that
25 you mentioned earlier emphasize the need to repeat the

ORAL DEPOSITION OF SUSI VASSALLO, M.D.

1 test. So every test that we can take on a human being,
2 even on the same day and the same time, may result in a
3 slightly different number. So if it's 6.2, 6.1, or 6.3,
4 it's probably -- that may be within the range of
5 accuracy for the test.

6 But if it's -- the lower you go, it may be
7 that the more or fewer diabetics that you capture -- and
8 that's -- that's the issue that we talked about before,
9 but it's not really what you're asking about.

10 Q So the number 6.2 is not even a number that you
11 think can be relied upon unless it comes up more than
12 once, unless it's retested and is consistent?

13 A Well, that's what the literature suggests.
14 Now, I'm not saying that -- the literature suggests
15 repeating. The ADA actually -- you know, I reviewed it
16 yesterday -- suggests a repeat. I am not exactly sure
17 that they suggest that repeat the same day. They just
18 suggest a repeat so that the -- and -- well --

19 So can it be relied upon? I think that we
20 rely on a lab value to alert us. And if we have reason
21 to believe a lab value clinically in the context of it,
22 we say, well, this makes sense. We have a very obese
23 man, hypertensive. The sugars are -- he says he has
24 diabetes. I can rely on 6.2, but I want to go ahead and
25 repeat it. So -- but I do know that with every blood

ORAL DEPOSITION OF SUSI VASSALLO, M.D.

1 test, there is a range of error around that blood test
2 because of laboratory.

3 Q Okay. I asked you -- let me ask you this.

4 Is it your opinion that Mr. McCollum, if
5 he had diabetes, it was controlled?

6 A I don't know the -- I don't know if his
7 diabetes was controlled or not. He -- he -- such
8 that -- out of control is the opposite. It wasn't out
9 of control in my opinion. Now, could it have been
10 better controlled? Perhaps. Unquestionably. Had he
11 been a hundred pounds less, for example, his diabetes
12 would have been better controlled.

13 So when you say, is it controlled, there
14 is a range. I don't think it was out of control, but
15 the control he had could have been better by, you know,
16 being a hundred pounds less.

17 In other words, diabetes is, as you know,
18 a condition of insulin-decreased production but also a
19 condition of decreased sensitivity. And part of that --
20 obesity has a big part in that decreased sensitivity.

21 So it could have been better controlled,
22 but it wasn't out of control.

23 So was it controlled? Yes, it was
24 controlled, but the control could have been better
25 through diet and exercise and the other things that you

ORAL DEPOSITION OF SUSI VASSALLO, M.D.

1 A Yes.

2 Q Then my question is, just to make that card,
3 doesn't it make sense that the materials that the card
4 was summarized from would be reasonably competent --
5 medically competent materials?

6 A No. My answer is no.

7 Q Okay. Explain why that would be no.

8 A Okay. Because --

9 Q Without -- excuse me -- talking about how you
10 train in the use of the card itself.

11 A I cannot generalize backwards from a
12 pocket-sized card to the adequacy and excellence of the
13 training material.

14 Q Okay. Fair enough. Fair enough. Okay.

15 You testified that Mr. McCollum should not
16 have been placed in the upper bunk; is that correct?

17 A Yes.

18 Q You also testified that you felt that the
19 reason he shouldn't have been placed there is because he
20 was having difficulty getting in and out of the bunk; is
21 that correct?

22 A No. I don't think I testified that he was
23 having -- there are a couple of reasons I don't think he
24 should be placed. Would you like me to name them?

25 Q Sure.

ORAL DEPOSITION OF SUSI VASSALLO, M.D.

1 A First of all, heat rises, and usually the top
2 bunk is hotter. That's one reason. And he was
3 heat-sensitive.

4 The other issue is that he was obese and
5 sick for at least the two days. I believe he was sick.
6 The lab results from the -- show that he was ill. And
7 when you're sick and obese and you're -- it's difficult
8 to get up and down and drink and do the things you need
9 to do when you're on the top bunk, especially when
10 you're that big.

11 Q He didn't seem to have -- do you see any
12 evidence in the record that he was having any trouble
13 the first day he was given the top bunk?

14 A No.

15 Q Did you see any evidence in the record that he
16 was having trouble the second day he was given the top
17 bunk?

18 A I don't know the days. But the days that I see
19 evidence is when the -- when he stopped leaving his
20 bunk, whenever those days were where he stopped leaving
21 his bunk. I'm not sure that he -- and when he,
22 according to narrative, was sitting on the bottom bunk
23 at count -- whatever you want to call it -- and couldn't
24 get up onto the top or said that he was having trouble.

25 Q Okay. But it seems to me that, for at least a

ORAL DEPOSITION OF SUSI VASSALLO, M.D.

1 What do people normally do at nighttime,
2 Doctor?

3 A Well, I don't -- I don't -- you asked me a
4 question and --

5 Q What's the majority of the general population
6 do from the hours of 10 o'clock or so until 6:00 o'clock
7 until morning?

8 A So to complete my answer, the only possible
9 thing that Officer Clark might have heard -- and it's
10 apparent from your talking now that he was not aware --
11 is that this man had not been moving around. I'm not
12 saying he should've known or that he did know.

13 And at night when people are sleeping,
14 they're sleeping. I don't expect him to recognize or to
15 understand that there's a man lying on the top bunk sick
16 and unresponsive. I don't expect that.

17 Q Fair enough.

18 So if Mr. Clark is doing his rounds and he
19 does not wake up Mr. McCollum or push him or anything
20 like that and Mr. McCollum appears to be resting
21 peacefully to some extent, would you see any reason that
22 an officer would need to wake an offender up in the
23 middle of the night?

24 A Not in the middle of the -- well --

25 Q 2:00 in the morning.

ORAL DEPOSITION OF SUSI VASSALLO, M.D.

1 A No. That depends on the policy there. I don't
2 think -- what is the policy at 2:00 in the morning?

3 The time where I thought that there should
4 have been or might have been an opportunity to recognize
5 that Mr. McCollum was not well was when he, according
6 to -- that he did not present his ID and he -- that was
7 the time -- I don't think that was at 2 a.m.

8 At 2 a.m. I don't expect them to be waking
9 everybody up. And I don't think they're supposed to sit
10 up and present their ID at 3 a.m. But I don't know the
11 policies.

12 Q Okay. Fair enough. Fair enough.

13 So if Mr. Clark didn't poke him or try --
14 you don't have any problem with Mr. Clark's actions
15 as -- if he wasn't aware that there was a problem?

16 MR. EDWARDS: Before?

17 Q (By Mr. Garcia) Before.

18 MR. EDWARDS: Before he discovered him
19 convulsing?

20 Q (By Mr. Garcia) Before he discovered him
21 convulsing.

22 A No.

23 Q Okay. Now, I want to get to when he discovered
24 him, okay. Mr. Clark is the one who was signaled by
25 another offender that Mr. McCollum was having issues.

ORAL DEPOSITION OF SUSI VASSALLO, M.D.

1 him at that time?

2 A Yes.

3 Q Okay. Can there be a difference in how
4 convulsions appear versus how a seizure appears?

5 A It's the same thing. Convulsions are seizures
6 and seizures are convulsions.

7 Q And in your experience, do you call 9-1-1 for a
8 seizure event?

9 A I'm a physician. I don't call 9-1-1. I am
10 9-1-1. However, if I came out on the street and I saw
11 someone having a seizure, I would call 9-1-1.

12 Q What about if you're working in a correctional
13 institution and you have people who come out of seizures
14 all the time, would you recommend that every time
15 there's a seizure 9-1-1 is called?

16 A This seizure was -- the answer to your question
17 is no. But my point of view is different in this case.
18 The man's body felt hot. He was -- and he was hot to
19 the touch and he was convulsing and the temperature was
20 a hundred.

21 Q Okay.

22 A Those things make the circumstances different
23 here than every man who has a seizure. And a lot of
24 people, they know they have seizures.

25 Q So in your view -- and correct me if I'm

ORAL DEPOSITION OF SUSI VASSALLO, M.D.

1 card, and 9-1-1 and activation of the system is part of
2 that. They knew that he was unresponsive, and as they
3 subsequently got there one after the other, it was clear
4 that this emergency was more complicated -- very
5 complicated.

6 He was unconscious now for about 55
7 minutes. They hadn't gotten him off the top bunk. His
8 skin was hot, and it was time to take action. This was
9 a life-threatening emergency, and 9-1-1 would have been
10 fine for any of them to call.

11 Q Okay.

12 A This is -- differs from all those other
13 seizures that people are talking -- that you're saying.
14 You're not going to call 9-1-1 for every seizure. I'm
15 not recommending that.

16 MR. GARCIA: Okay. I object to the
17 nonresponsive portion.

18 Q (By Mr. Garcia) The lieutenant, once she gets
19 to the situation, she's there a shorter amount of time
20 than the sergeant; is that correct?

21 A I don't know.

22 Q Okay. But she gets there, and she calls a
23 medical person. That medical persons says "Call 9-1-1,"
24 and they do that.

25 MR. EDWARDS: Objection, foundation.

ORAL DEPOSITION OF SUSI VASSALLO, M.D.

1 knew it was a hundred degrees all day. That was the
2 temperature. Everybody knew it was hot there. And
3 they're hot themselves. And they are trained about
4 the -- and warned repeatedly about the situation. They
5 see -- and -- and they come upon a man who is
6 unresponsive, has a seizure, and now 55 minutes pass
7 where he's still unresponsive. They can feel that he's
8 hot; whether they did or they didn't, it doesn't matter.
9 It could have been no heat stroke. This man needed
10 9-1-1. Whether they did or didn't appreciate the
11 feeling of his skin and his appearance, I don't know.

12 But any man on the street -- you don't
13 have to be a corrections officer -- recognizes that when
14 somebody is having seizures and unresponsive for 55 --
15 for 5, 10, 15 minutes, whatever it is, they need an
16 ambulance and they need to go somewhere.

17 Q Have you ever seen seizures that resolved after
18 10 minutes with nothing wrong with the person?

19 A Hundreds of times.

20 Q Okay. Now, you are also aware that the unit is
21 taking certain activities to try to help with the heat
22 conditions, are you not?

23 A Yes.

24 Q Okay. And some of these things are access to
25 ice water, to have plenty of ice water. Are you aware

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN MCCOLLUM, *et al.*,
Plaintiffs,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

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CIVIL NO. 4:14-CV-3253

Exhibit 71

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEPHEN McCOLLUM and)
SANDRA McCOLLUM,)
individually and STEPHANIE)
KINGREY, individually and as)
independent administrator) Civil Action
of the Estate of LARRY GENE)
McCOLLUM,)
) Number 4:14-CV-3253
Plaintiffs,)
)
vs.)
)
)
)
BRAD LIVINGSTON, JEFF)
PRINGLE, RICHARD CLARK,)
KAREN TATE, SANDREA)
SANDERS, ROBERT EASON,)
THE UNIVERSITY OF TEXAS)
MEDICAL BRANCH and THE)
TEXAS DEPARTMENT OF)
CRIMINAL JUSTICE,)
)
Defendants.)

ORAL AND VIDEOTAPED DEPOSITION OF

ROBERT LEWIS WILLIAMS, MD, CCHP, CPH

MARCH 07, 2016

1 **fine.**

2 A. Well, what we were talking about is the
3 documents that Dr. Linthicum asked me to produce and
4 you were trying to ascertain when that was.
5 Although I can't tell you when it was, the documents
6 that I was asked to produce are what we call the M&M
7 worksheets, and those are the documents that I've
8 been talking about.

9 **Q. Right. And these M&M worksheets, who's**
10 **the function of the mortality and morbidity**
11 **worksheet, from your perspective?**

12 A. To facilitate the presentation and
13 discussion of that individual morality case.

14 **Q. And at a morality/morbidity meeting you**
15 **used this worksheet and the doctors and the nurses**
16 **that are there talk about it. Right?**

17 A. Correct.

18 **Q. And the goal is to improve -- what is the**
19 **goal of an M&M meeting?**

20 A. An M&M meeting is to review the death and
21 the circumstances as -- surrounding that death, to
22 evaluate the nursing and medical care, and to
23 ascertain if there's anything we might have done
24 differently or would liked to have done differently.

25 **Q. Or to identify a systemic problem. Right?**

1 A. Yes.

2 Q. And if you identify a systemic problem,
3 the point of it is to go to leadership and say this
4 is a problem, and then it's their responsibility to
5 try to fix it. Right?

6 A. Correct. Well, it's mutual responsibility
7 and, depending on what the problem is, that problem
8 may be a problem that we address directly within our
9 own authority. If it's a problem that extends
10 beyond our authority, then we would most definitely
11 take it to leadership.

12 Q. Okay. So you would have worksheets for
13 every death in the summer, then. Correct?

14 A. Every death in our -- in our system is
15 reviewed in the M&M committee, and we should have a
16 worksheet for every single death that we've
17 reviewed.

18 Q. And you personally would have a copy of
19 those?

20 A. Not personally. The -- there's an
21 administrative assistant that assistance me with the
22 committee functions. In performing the
23 administrative role she has the physical copy of
24 those.

25 Q. Who is that?

1 **Q. The Correctional Managed Health Care,**
2 **which is an entity who, as far as I can see, sole**
3 **reason exists to make a policy for TDCJ to follow.**
4 **Right?**

5 A. Well, it's more involved than that. Under
6 the umbrella --

7 **Q. What else do they do?**

8 A. Under the umbrella of the Correctional
9 Managed Health Care Committee is -- that's the
10 authority that the M&M committee functions. And
11 that's the -- so that's the authority by which our
12 joint partnerships function.

13 **Q. Do you think you actually need authority**
14 **from Correctional Managed Health Care to do a**
15 **morality and morbidity review at TDCJ?**

16 A. The process could be implemented in any
17 number of ways but this is how it was implemented
18 prior to my employment.

19 **Q. And I very much appreciate that I**
20 **appreciate that Correctional Managed Health Care has**
21 **some policies or has some recommendations or what.**
22 **But I just want want to be crystal clear with the**
23 **Court and with the jury.**

24 You don't have to have some
25 **independent entity that you've self-created to make**

1 MS. BURTON: Yeah, you have the
2 worksheet.

3 MR. EDWARDS: What number is this?
4 Why doesn't it have a Bates number?

5 ATTY5: Long story.

6 MR. EDWARDS: Okay.

7 ATTY5: It sort of does, though.

8 MR. EDWARDS: All right. That's
9 good.

10 Q. (BY MR. EDWARDS) Can you tell me who was
11 involved in the M&M committee with regards to
12 Mr. McCollum, sir?

13 A. No. What we -- there's a certain number
14 of representatives from the Correctional Managed
15 Health Care partners that are assigned to the
16 committee by the respective joint medical director,
17 and that is fluctuated over time. And this
18 committee process has also evolved where the
19 committee has -- now has two cochairs. And joint
20 representation is that each committee, they meet at
21 the same time and review approximately half of the
22 deaths that have been say signed to the committee
23 for each given month.

24 Q. Do you know when this meeting took place?
25 Can you tell from this document?

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN MCCOLLUM, *et al.*,
Plaintiffs,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

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CIVIL NO. 4:14-CV-3253

Exhibit 72

Internet Sources for Census Data, Housing and Urban Development, Public Housing Authorities, and Medicare.

Relevant Census Data

Presence of Air-Conditioning in New Single-Family Houses Completed, U.S. CENSUS BUREAU, <http://www.census.gov/construction/chars/pdf/aircond.pdf?cssp=SERP> (last visited Nov. 13, 2015).

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN MCCOLLUM, *et al.*,
Plaintiffs,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

§
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CIVIL NO. 4:14-CV-3253

Exhibit 73

Presence of Air-Conditioning in New Single-Family Houses Completed¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
United States						
1973	1,197	582	616	100	49	51
1974	940	451	489	100	48	52
1975	875	403	473	100	46	54
1976	1,034	511	523	100	49	51
1977	1,258	679	579	100	54	46
1978	1,369	797	572	100	58	42
1979	1,301	784	517	100	60	40
1980	957	598	358	100	63	37
1981	819	530	289	100	65	35
1982	632	416	216	100	66	34
1983	924	642	282	100	70	30
1984	1,025	723	302	100	71	29
1985	1,072	746	326	100	70	30
1986	1,120	775	346	100	69	31
1987	1,123	801	322	100	71	29
1988	1,085	810	275	100	75	25
1989	1,026	785	241	100	77	23
1990	966	731	235	100	76	24
1991	838	628	210	100	75	25
1992	964	738	225	100	77	23
1993	1,039	806	234	100	78	22
1994	1,160	912	248	100	79	21
1995	1,066	846	219	100	80	20
1996	1,129	916	213	100	81	19
1997	1,116	917	199	100	82	18
1998	1,160	957	203	100	83	17
1999	1,270	1,072	198	100	84	16
2000	1,242	1,060	181	100	85	15
2001	1,256	1,081	175	100	86	14
2002	1,325	1,155	170	100	87	13
2003	1,386	1,223	164	100	88	12
2004	1,532	1,378	153	100	90	10
2005	1,636	1,463	173	100	89	11
2006	1,654	1,476	179	100	89	11
2007	1,218	1,093	125	100	90	10
2008	819	727	92	100	89	11
2009	520	460	61	100	88	12
2010	496	436	60	100	88	12
2011	447	395	52	100	88	12
2012	483	432	51	100	89	11
2013	569	518	51	100	91	9
2014	620	565	55	100	91	9
RSE/SE	1	2	15	(NA)	1	1

Presence of Air-Conditioning in New Single-Family Houses Completed

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
Northeast						
1973	156	22	134	100	14	86
1974	132	21	111	100	16	84
1975	114	15	99	100	13	87
1976	121	16	105	100	13	87
1977	135	23	112	100	17	83
1978	141	28	113	100	20	80
1979	135	35	100	100	26	74
1980	100	29	71	100	29	71
1981	87	25	62	100	29	71
1982	79	21	58	100	27	73
1983	106	35	72	100	33	67
1984	129	44	85	100	34	66
1985	168	70	98	100	42	58
1986	193	84	109	100	43	57
1987	196	93	102	100	48	52
1988	188	97	91	100	52	48
1989	159	86	73	100	54	46
1990	127	63	64	100	50	50
1991	100	50	50	100	50	50
1992	114	60	54	100	52	48
1993	105	58	47	100	55	45
1994	113	69	44	100	61	39
1995	108	67	41	100	62	38
1996	108	70	38	100	64	36
1997	115	77	39	100	67	33
1998	116	83	33	100	72	28
1999	115	85	30	100	74	26
2000	120	88	32	100	73	27
2001	114	86	27	100	76	24
2002	113	87	26	100	77	23
2003	114	89	25	100	78	22
2004	119	97	22	100	82	18
2005	132	104	27	100	79	21
2006	128	98	31	100	76	24
2007	105	78	26	100	75	25
2008	73	55	18	100	75	25
2009	54	40	14	100	75	25
2010	54	42	12	100	77	23
2011	44	36	8	100	81	19
2012	47	39	8	100	82	18
2013	48	40	8	100	83	17
2014	49	40	9	100	82	18
RSE/SE	3	8	29	(NA)	5	5

Presence of Air-Conditioning in New Single-Family Houses Completed¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
Midwest						
1973	262	92	170	100	35	65
1974	220	79	141	100	36	64
1975	218	77	141	100	35	65
1976	271	107	164	100	40	60
1977	300	132	169	100	44	56
1978	300	141	159	100	47	53
1979	294	137	157	100	47	53
1980	170	77	93	100	45	55
1981	140	67	73	100	48	52
1982	92	40	53	100	43	57
1983	142	70	71	100	50	50
1984	156	86	70	100	55	45
1985	151	90	61	100	59	41
1986	170	105	65	100	62	38
1987	201	134	67	100	67	33
1988	191	136	55	100	71	29
1989	191	139	51	100	73	27
1990	195	145	50	100	75	25
1991	185	138	47	100	75	25
1992	218	167	51	100	77	23
1993	232	181	51	100	78	22
1994	255	205	50	100	80	20
1995	232	185	47	100	80	20
1996	245	204	41	100	83	17
1997	236	197	39	100	84	16
1998	244	207	37	100	85	15
1999	276	241	35	100	87	13
2000	269	239	30	100	89	11
2001	261	230	31	100	88	12
2002	272	242	30	100	89	11
2003	274	253	21	100	92	8
2004	304	283	21	100	93	7
2005	307	283	24	100	92	8
2006	285	251	34	100	88	12
2007	189	166	22	100	88	12
2008	139	122	17	100	88	12
2009	89	80	9	100	90	10
2010	82	72	10	100	88	12
2011	76	69	7	100	91	9
2012	85	79	6	100	93	7
2013	96	90	6	100	94	6
2014	103	97	6	100	94	6
RSE/SE	2	3	42	(NA)	3	3

Presence of Air-Conditioning in New Single-Family Houses Completed¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
South						
1973	526	363	163	100	69	31
1974	397	286	111	100	72	28
1975	362	258	104	100	71	29
1976	410	320	90	100	78	22
1977	512	412	100	100	80	20
1978	571	480	90	100	84	16
1979	535	457	78	100	85	15
1980	455	384	71	100	84	16
1981	408	344	65	100	84	16
1982	340	290	50	100	85	15
1983	476	428	48	100	90	10
1984	508	466	42	100	92	8
1985	514	470	44	100	92	8
1986	505	460	45	100	91	9
1987	467	432	35	100	92	8
1988	457	428	29	100	94	6
1989	420	394	26	100	94	6
1990	389	369	20	100	95	5
1991	348	328	20	100	94	6
1992	400	386	14	100	97	3
1993	456	441	14	100	97	3
1994	507	497	11	100	98	2
1995	472	463	9	100	98	2
1996	507	498	9	100	98	2
1997	506	500	6	100	99	1
1998	517	510	7	100	99	1
1999	570	566	4	100	99	1
2000	566	562	3	100	99	1
2001	578	575	3	100	99	1
2002	615	611	4	100	99	1
2003	635	632	4	100	99	1
2004	700	696	3	100	100	(Z)
2005	760	758	2	100	100	(Z)
2006	826	823	3	100	100	(Z)
2007	631	628	3	100	100	(Z)
2008	417	416	1	100	100	(Z)
2009	259	257	2	100	99	1
2010	258	256	2	100	99	1
2011	236	234	2	100	99	1
2012	250	248	2	100	99	1
2013	296	294	1	100	100	(Z)
2014	329	327	2	100	99	1
RSE/SE	2	2	40	(NA)	(Z)	(Z)

Presence of Air-Conditioning in New Single-Family Houses Completed¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
West						
1973	253	104	149	100	41	59
1974	191	64	127	100	34	66
1975	182	53	129	100	29	71
1976	232	68	164	100	29	71
1977	311	112	199	100	36	64
1978	357	149	209	100	42	58
1979	337	155	182	100	46	54
1980	233	109	124	100	47	53
1981	183	94	90	100	51	49
1982	121	64	56	100	53	47
1983	200	109	91	100	55	45
1984	233	127	105	100	55	45
1985	239	116	123	100	49	51
1986	253	126	126	100	50	50
1987	259	141	117	100	55	45
1988	248	148	100	100	60	40
1989	257	164	93	100	64	36
1990	255	153	102	100	60	40
1991	205	112	93	100	55	45
1992	232	126	106	100	54	46
1993	247	124	123	100	50	50
1994	285	142	143	100	50	50
1995	253	132	121	100	52	48
1996	269	145	124	100	54	46
1997	259	144	115	100	55	45
1998	283	156	127	100	55	45
1999	310	181	129	100	58	42
2000	286	171	115	100	60	40
2001	303	189	114	100	62	38
2002	325	215	110	100	66	34
2003	363	249	114	100	69	31
2004	409	301	108	100	74	26
2005	437	317	119	100	73	27
2006	415	303	111	100	73	27
2007	294	220	73	100	75	25
2008	190	134	56	100	71	29
2009	118	82	36	100	69	31
2010	103	66	37	100	64	36
2011	91	56	35	100	62	38
2012	101	66	34	100	66	34
2013	129	94	35	100	73	27
2014	138	100	38	100	73	27
RSE/SE	2	6	16	(NA)	4	4

Footnotes:

RSE/SE - Relative Standard Error (percent), Standard Error (percentage points)

NA - Not available

A - Represents an RSE or SE that is greater or equal to 100 percent or could not be computed

Z - Less than 500 units or less than 0.5 percent

S - Withheld because estimate did not meet publication standards on the basis of response rate or a consistency review

¹Includes houses built for rent (not shown separately).

Note: Single-family estimates prior to 1999 include an upward adjustment of 3.3 percent made to account for structures built in permit-issuing areas without permit authorization.

Presence of Air-Conditioning in New Single-Family Houses Completed: Built for Sale¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
United States						
1973	731	385	347	100	53	47
1974	542	287	255	100	53	47
1975	498	247	250	100	50	50
1976	615	325	290	100	53	47
1977	756	432	323	100	57	43
1978	839	524	315	100	63	37
1979	799	518	281	100	65	35
1980	583	403	180	100	69	31
1981	484	346	139	100	72	28
1982	366	272	95	100	74	26
1983	603	459	144	100	76	24
1984	669	514	154	100	77	23
1985	698	527	172	100	76	24
1986	724	539	185	100	75	25
1987	706	542	165	100	77	23
1988	688	557	131	100	81	19
1989	661	536	125	100	81	19
1990	594	481	114	100	81	19
1991	481	391	90	100	81	19
1992	577	473	105	100	82	18
1993	642	525	117	100	82	18
1994	740	605	135	100	82	18
1995	682	566	116	100	83	17
1996	746	623	123	100	84	16
1997	757	637	120	100	84	16
1998	815	686	129	100	84	16
1999	885	760	125	100	86	14
2000	883	770	113	100	87	13
2001	906	793	114	100	87	13
2002	967	859	108	100	89	11
2003	1,038	928	110	100	89	11
2004	1,170	1,066	104	100	91	9
2005	1,288	1,175	113	100	91	9
2006	1,293	1,180	113	100	91	9
2007	900	828	72	100	92	8
2008	550	503	48	100	91	9
2009	331	305	26	100	92	8
2010	330	299	31	100	91	9
2011	291	265	26	100	91	9
2012	327	298	28	100	91	9
2013	414	382	31	100	92	8
2014	450	419	31	100	93	7
RSE/SE	4	4	16	(NA)	1	1

Presence of Air-Conditioning in New Single-Family Houses Completed: Built for Sale¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
Northeast						
1973	93	17	76	100	18	82
1974	75	15	60	100	20	80
1975	65	10	55	100	16	84
1976	70	12	59	100	17	83
1977	82	16	66	100	20	80
1978	79	19	61	100	24	76
1979	79	25	54	100	31	69
1980	55	20	35	100	36	64
1981	49	18	31	100	37	63
1982	45	15	30	100	33	67
1983	69	27	42	100	39	61
1984	83	34	49	100	41	59
1985	111	56	55	100	51	49
1986	133	70	63	100	53	47
1987	131	76	55	100	58	42
1988	127	81	46	100	63	37
1989	101	64	37	100	64	36
1990	73	43	31	100	58	42
1991	51	31	19	100	61	39
1992	62	39	23	100	63	37
1993	58	38	20	100	66	34
1994	66	48	18	100	73	27
1995	64	47	17	100	73	27
1996	68	51	17	100	74	26
1997	72	56	17	100	77	23
1998	74	59	14	100	80	20
1999	72	59	13	100	82	18
2000	74	61	14	100	81	19
2001	70	59	11	100	85	15
2002	68	58	10	100	85	15
2003	73	64	9	100	88	12
2004	79	71	8	100	90	10
2005	90	80	10	100	89	11
2006	85	72	13	100	85	15
2007	67	56	12	100	83	17
2008	42	34	8	100	82	18
2009	29	25	4	100	86	14
2010	31	27	4	100	86	14
2011	24	22	2	100	93	7
2012	26	24	2	100	93	7
2013	28	25	2	100	92	8
2014	29	27	2	100	93	7
RSE/SE	11	12	40	(NA)	3	3

Presence of Air-Conditioning in New Single-Family Houses Completed: Built for Sale¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
Midwest						
1973	138	52	86	100	38	62
1974	100	42	58	100	42	58
1975	100	39	61	100	39	61
1976	127	59	68	100	46	54
1977	143	71	72	100	50	50
1978	151	81	70	100	54	46
1979	145	78	67	100	54	46
1980	79	43	36	100	55	45
1981	65	37	28	100	57	43
1982	43	24	20	100	55	45
1983	70	45	26	100	64	36
1984	80	55	25	100	69	31
1985	81	55	26	100	67	33
1986	90	61	29	100	68	32
1987	104	76	28	100	73	27
1988	100	77	23	100	77	23
1989	100	79	21	100	79	21
1990	99	81	17	100	82	18
1991	90	73	17	100	81	19
1992	108	91	18	100	84	16
1993	118	100	18	100	85	15
1994	136	116	21	100	85	15
1995	127	107	20	100	84	16
1996	135	117	18	100	87	13
1997	137	121	16	100	88	12
1998	150	132	18	100	88	12
1999	162	149	13	100	92	8
2000	170	157	13	100	92	8
2001	163	149	14	100	92	8
2002	181	165	16	100	91	9
2003	187	176	11	100	94	6
2004	212	200	12	100	95	5
2005	222	210	11	100	95	5
2006	192	179	12	100	94	6
2007	120	114	6	100	95	5
2008	80	77	4	100	96	4
2009	46	44	1	100	97	3
2010	44	43	1	100	97	3
2011	39	38	1	100	97	3
2012	47	46	1	100	97	3
2013	57	56	1	100	98	2
2014	62	61	1	100	98	2
RSE/SE	9	9	46	(NA)	1	1

Presence of Air-Conditioning in New Single-Family Houses Completed: Built for Sale¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
South						
1973	306	233	73	100	76	24
1974	228	182	46	100	80	20
1975	201	159	42	100	79	21
1976	240	203	37	100	85	15
1977	294	256	38	100	87	13
1978	336	307	29	100	91	9
1979	324	299	25	100	92	8
1980	280	257	24	100	92	8
1981	242	223	19	100	92	8
1982	198	187	11	100	94	6
1983	317	303	14	100	96	4
1984	334	323	11	100	97	3
1985	335	324	11	100	97	3
1986	316	306	10	100	97	3
1987	279	272	7	100	97	3
1988	280	275	5	100	98	2
1989	261	254	8	100	97	3
1990	236	232	4	100	98	2
1991	204	201	3	100	98	2
1992	245	243	3	100	99	1
1993	287	285	(S)	100	99	(S)
1994	326	324	(S)	100	99	(S)
1995	306	305	(S)	100	100	(S)
1996	335	334	(S)	100	100	(S)
1997	344	343	(S)	100	100	(S)
1998	365	365	(S)	100	100	(S)
1999	404	403	1	100	100	(Z)
2000	409	409	1	100	100	(Z)
2001	426	425	1	100	100	(Z)
2002	457	456	1	100	100	(Z)
2003	483	482	1	100	100	(Z)
2004	543	542	1	100	100	(Z)
2005	613	612	1	100	100	(Z)
2006	672	671	(Z)	100	100	(Z)
2007	484	483	1	100	100	(Z)
2008	296	296	(Z)	100	100	(Z)
2009	176	176	(Z)	100	100	(Z)
2010	178	178	(Z)	100	100	(Z)
2011	161	161	(Z)	100	100	(Z)
2012	173	173	(Z)	100	100	(Z)
2013	220	220	(Z)	100	100	(Z)
2014	247	247	(Z)	100	100	(Z)
RSE/SE	6	6	36	(NA)	(Z)	(Z)

Presence of Air-Conditioning in New Single-Family Houses Completed: Built for Sale¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
West						
1973	194	82	112	100	42	58
1974	139	47	92	100	34	66
1975	131	39	92	100	30	70
1976	178	52	126	100	29	71
1977	237	88	149	100	37	63
1978	272	117	155	100	43	57
1979	251	117	135	100	46	54
1980	169	84	85	100	50	50
1981	129	68	61	100	53	47
1982	81	47	34	100	58	42
1983	147	84	63	100	57	43
1984	172	102	70	100	59	41
1985	171	92	79	100	54	46
1986	185	102	84	100	55	45
1987	192	117	75	100	61	39
1988	181	125	56	100	69	31
1989	199	139	60	100	70	30
1990	186	124	62	100	67	33
1991	137	86	51	100	63	37
1992	162	100	62	100	62	38
1993	178	102	77	100	57	43
1994	212	117	94	100	55	45
1995	185	107	79	100	58	42
1996	207	120	87	100	58	42
1997	204	118	86	100	58	42
1998	226	130	96	100	58	42
1999	246	149	98	100	60	40
2000	230	144	86	100	63	37
2001	248	160	88	100	64	36
2002	261	180	81	100	69	31
2003	296	206	89	100	70	30
2004	335	252	83	100	75	25
2005	364	273	91	100	75	25
2006	345	258	87	100	75	25
2007	229	175	54	100	77	23
2008	132	96	36	100	73	27
2009	80	60	20	100	75	25
2010	77	52	25	100	67	33
2011	67	44	23	100	66	34
2012	81	56	25	100	69	31
2013	109	81	28	100	74	26
2014	112	84	27	100	75	25
RSE/SE	4	6	17	(NA)	4	4

Footnotes:

RSE/SE - Relative Standard Error (percent), Standard Error (percentage points)

NA - Not available

A - Represents an RSE or SE that is greater or equal to 100 percent or could not be computed

Z - Less than 500 units or less than 0.5 percent

S - Withheld because estimate did not meet publication standards on the basis of response rate or a consistency review

¹"Built for Sale" are houses built with the intention of being sold with the sale of the land included in the transaction.

Note: Single-family estimates prior to 1999 include an upward adjustment of 3.3 percent made to account for structures built in permit-issuing areas without permit authorization.

Presence of Air-Conditioning in New Single-Family Houses Completed: Contractor-Built¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
United States						
1973	248	111	137	100	45	55
1974	214	96	118	100	45	55
1975	175	84	91	100	48	52
1976	211	103	108	100	49	51
1977	253	132	121	100	52	48
1978	268	144	124	100	54	46
1979	231	129	102	100	56	44
1980	161	93	68	100	58	42
1981	137	81	56	100	59	41
1982	110	66	44	100	60	40
1983	130	78	52	100	60	40
1984	150	92	58	100	62	38
1985	163	99	64	100	61	39
1986	190	119	72	100	63	38
1987	203	132	71	100	65	35
1988	199	134	65	100	68	32
1989	188	136	52	100	73	27
1990	199	142	57	100	72	28
1991	192	139	53	100	73	27
1992	213	156	57	100	74	26
1993	216	163	53	100	76	24
1994	238	183	55	100	77	23
1995	204	157	47	100	77	23
1996	214	176	38	100	83	17
1997	192	159	33	100	83	17
1998	186	154	32	100	83	17
1999	204	174	30	100	85	15
2000	192	162	30	100	84	16
2001	189	164	25	100	87	13
2002	195	170	25	100	87	13
2003	185	163	22	100	88	12
2004	191	169	22	100	88	12
2005	190	160	30	100	84	16
2006	198	168	30	100	85	15
2007	171	149	22	100	87	13
2008	127	109	18	100	86	14
2009	94	79	15	100	84	16
2010	87	75	12	100	86	14
2011	75	65	11	100	86	14
2012	78	68	9	100	88	12
2013	81	72	9	100	89	11
2014	99	87	12	100	88	12
RSE/SE	11	12	25	(NA)	3	3

Presence of Air-Conditioning in New Single-Family Houses Completed: Contractor-Built¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
Northeast						
1973	33	3	30	100	9	91
1974	32	4	28	100	11	89
1975	22	(S)	20	100	(S)	89
1976	24	3	21	100	12	88
1977	25	3	22	100	13	87
1978	29	5	24	100	19	81
1979	24	6	18	100	26	74
1980	17	5	12	100	28	72
1981	13	4	10	100	28	72
1982	13	3	10	100	22	78
1983	15	4	11	100	26	74
1984	19	6	14	100	29	71
1985	24	7	17	100	31	69
1986	26	7	19	100	27	73
1987	31	10	20	100	34	66
1988	27	9	18	100	33	67
1989	26	11	15	100	41	59
1990	26	11	15	100	43	57
1991	25	12	13	100	48	52
1992	30	14	16	100	47	53
1993	27	14	14	100	50	50
1994	29	15	14	100	52	48
1995	27	14	14	100	51	49
1996	23	12	11	100	54	46
1997	22	12	10	100	56	44
1998	22	12	9	100	57	43
1999	23	15	7	100	68	32
2000	26	17	9	100	65	35
2001	24	16	8	100	67	33
2002	25	17	8	100	69	31
2003	20	13	7	100	66	34
2004	23	15	8	100	65	35
2005	24	14	11	100	56	44
2006	25	14	11	100	56	44
2007	21	12	8	100	59	41
2008	16	11	6	100	64	36
2009	14	9	5	100	62	38
2010	13	8	4	100	66	34
2011	10	7	3	100	67	33
2012	11	7	3	100	71	29
2013	11	8	3	100	73	27
2014	12	9	3	100	73	27
RSE/SE	21	27	32	(NA)	9	9

Presence of Air-Conditioning in New Single-Family Houses Completed: Contractor-Built¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
Midwest						
1973	56	16	40	100	29	71
1974	53	17	36	100	33	67
1975	41	16	25	100	38	62
1976	59	18	41	100	30	70
1977	66	24	42	100	37	63
1978	68	24	44	100	35	65
1979	63	25	38	100	40	60
1980	31	12	19	100	39	61
1981	28	11	17	100	39	61
1982	19	6	13	100	33	67
1983	32	11	20	100	36	64
1984	35	14	21	100	41	59
1985	30	14	16	100	48	52
1986	40	22	18	100	54	46
1987	45	28	17	100	62	38
1988	46	31	16	100	66	34
1989	43	29	14	100	68	32
1990	52	34	18	100	66	34
1991	51	37	14	100	73	27
1992	58	44	15	100	75	25
1993	61	48	14	100	78	22
1994	67	53	14	100	79	21
1995	57	43	14	100	75	25
1996	58	48	10	100	83	17
1997	50	41	9	100	81	19
1998	50	43	7	100	86	14
1999	56	49	7	100	88	12
2000	49	44	6	100	88	12
2001	50	44	6	100	88	12
2002	51	46	5	100	91	9
2003	47	44	3	100	93	7
2004	46	43	3	100	94	6
2005	45	40	5	100	89	11
2006	49	40	9	100	82	18
2007	34	28	6	100	83	17
2008	26	21	5	100	80	20
2009	18	16	2	100	89	11
2010	19	17	2	100	91	9
2011	16	15	1	100	91	9
2012	19	18	2	100	92	8
2013	19	18	2	100	90	10
2014	25	22	2	100	90	10
RSE/SE	19	18	57	(NA)	5	5

Presence of Air-Conditioning in New Single-Family Houses Completed: Contractor-Built¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
South						
1973	127	79	48	100	62	38
1974	101	65	36	100	64	36
1975	90	60	30	100	67	33
1976	100	74	26	100	74	26
1977	125	92	33	100	74	26
1978	133	101	32	100	76	24
1979	108	82	26	100	76	24
1980	87	64	23	100	74	26
1981	77	55	22	100	72	28
1982	65	50	15	100	77	23
1983	67	55	12	100	82	18
1984	76	63	13	100	83	17
1985	81	67	14	100	82	18
1986	95	79	16	100	83	17
1987	98	83	15	100	85	15
1988	96	84	12	100	87	13
1989	92	83	9	100	90	10
1990	90	82	8	100	92	8
1991	83	76	7	100	92	8
1992	88	85	4	100	96	4
1993	95	89	5	100	95	5
1994	106	102	(S)	100	96	(S)
1995	92	88	(S)	100	96	(S)
1996	105	102	(S)	100	98	(S)
1997	91	90	(S)	100	98	(S)
1998	85	83	(S)	100	98	(S)
1999	93	92	1	100	99	1
2000	88	87	1	100	99	1
2001	89	88	1	100	99	1
2002	88	87	1	100	99	1
2003	84	83	1	100	99	1
2004	88	87	(Z)	100	100	(Z)
2005	84	84	(Z)	100	99	1
2006	90	89	(Z)	100	99	1
2007	88	88	(Z)	100	100	(Z)
2008	59	59	(Z)	100	100	(Z)
2009	44	44	1	100	99	1
2010	42	42	(Z)	100	100	(Z)
2011	37	36	(Z)	100	99	1
2012	37	37	(Z)	100	99	1
2013	38	38	(Z)	100	100	(Z)
2014	47	47	(Z)	100	100	(Z)
RSE/SE	18	18	64	(NA)	(Z)	(Z)

Presence of Air-Conditioning in New Single-Family Houses Completed: Contractor-Built¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
West						
1973	32	13	19	100	40	60
1974	27	9	18	100	35	65
1975	22	6	16	100	28	72
1976	27	8	19	100	31	69
1977	37	12	25	100	32	68
1978	39	14	25	100	36	64
1979	35	15	20	100	43	57
1980	26	12	14	100	46	54
1981	19	11	8	100	57	43
1982	13	7	6	100	54	46
1983	16	8	8	100	50	50
1984	20	9	11	100	45	55
1985	28	10	18	100	36	64
1986	29	11	18	100	37	63
1987	30	11	19	100	37	63
1988	30	11	19	100	36	64
1989	26	12	14	100	46	54
1990	31	14	17	100	45	55
1991	33	13	19	100	41	59
1992	36	14	23	100	38	62
1993	33	12	21	100	37	63
1994	36	13	23	100	36	64
1995	29	12	16	100	43	57
1996	28	13	15	100	48	52
1997	28	15	13	100	55	45
1998	29	15	14	100	50	50
1999	32	18	14	100	57	43
2000	29	14	14	100	50	50
2001	27	17	10	100	63	37
2002	31	19	12	100	61	39
2003	33	22	11	100	66	34
2004	34	23	11	100	67	33
2005	37	23	14	100	61	39
2006	34	24	10	100	70	30
2007	29	22	8	100	74	26
2008	25	18	7	100	72	28
2009	18	11	7	100	62	38
2010	13	7	6	100	55	45
2011	12	7	6	100	55	45
2012	10	6	4	100	60	40
2013	12	8	4	100	68	32
2014	15	9	6	100	60	40
RSE/SE	17	16	30	(NA)	7	7

Footnotes:

RSE/SE - Relative Standard Error (percent), Standard Error (percentage points)

NA - Not available

A - Represents an RSE or SE that is greater or equal to 100 percent or could not be computed

Z - Less than 500 units or less than 0.5 percent

S - Withheld because estimate did not meet publication standards on the basis of response rate or a consistency review

¹"Contractor-Built" houses are built for owner occupancy on the owner's land under the supervision of a general contractor.

Note: Single-family estimates prior to 1999 include an upward adjustment of 3.3 percent made to account for structures built in permit-issuing areas without permit authorization.

Presence of Air-Conditioning in New Single-Family Houses Completed: Owner-Built¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
United States						
1973	196	72	124	100	37	63
1974	171	63	108	100	37	63
1975	190	65	125	100	34	66
1976	198	77	121	100	39	61
1977	234	106	128	100	45	55
1978	246	119	128	100	49	51
1979	244	120	124	100	49	51
1980	194	93	101	100	48	52
1981	174	89	85	100	51	49
1982	138	64	74	100	47	53
1983	164	84	80	100	52	48
1984	168	87	81	100	52	48
1985	168	89	79	100	53	47
1986	172	92	80	100	54	46
1987	176	99	77	100	56	44
1988	164	94	70	100	58	42
1989	147	89	58	100	61	39
1990	147	92	55	100	63	37
1991	143	84	59	100	59	41
1992	155	97	58	100	63	37
1993	159	101	58	100	64	36
1994	160	109	51	100	69	31
1995	146	100	46	100	69	31
1996	136	91	45	100	67	33
1997	137	95	43	100	69	31
1998	127	90	37	100	71	29
1999	139	102	37	100	74	26
2000	126	93	33	100	74	26
2001	122	92	30	100	75	25
2002	123	93	31	100	75	25
2003	119	92	26	100	78	22
2004	125	100	25	100	80	20
2005	118	93	25	100	79	21
2006	124	97	27	100	78	22
2007	108	83	24	100	77	23
2008	93	73	20	100	78	22
2009	66	50	15	100	77	23
2010	53	39	14	100	74	26
2011	49	37	12	100	75	25
2012	47	37	10	100	79	21
2013	42	33	9	100	80	20
2014	43	34	9	100	79	21
RSE/SE	11	12	26	(NA)	5	5

Presence of Air-Conditioning in New Single-Family Houses Completed: Owner-Built¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
Northeast						
1973	28	(S)	27	100	(S)	95
1974	25	(S)	23	100	(S)	93
1975	25	(S)	24	100	(S)	94
1976	25	(S)	24	100	(S)	95
1977	26	(S)	24	100	(S)	91
1978	30	(S)	28	100	(S)	92
1979	28	6	26	100	10	90
1980	23	3	20	100	12	88
1981	21	(S)	19	100	(S)	89
1982	19	3	16	100	14	86
1983	20	3	18	100	13	87
1984	23	3	19	100	15	85
1985	27	4	24	100	14	86
1986	30	5	25	100	16	84
1987	31	6	25	100	19	81
1988	30	6	24	100	20	80
1989	27	7	20	100	25	75
1990	24	7	17	100	30	70
1991	21	6	16	100	27	73
1992	20	6	14	100	30	70
1993	18	5	12	100	31	69
1994	16	6	10	100	38	62
1995	15	6	10	100	37	63
1996	15	6	9	100	38	62
1997	17	6	11	100	36	64
1998	14	6	8	100	44	56
1999	15	6	8	100	44	56
2000	16	8	9	100	46	54
2001	15	7	8	100	47	53
2002	18	10	8	100	56	44
2003	17	9	7	100	56	44
2004	14	8	6	100	59	41
2005	15	8	6	100	56	44
2006	14	9	5	100	62	38
2007	12	6	5	100	54	46
2008	10	6	4	100	59	41
2009	7	4	3	100	58	42
2010	6	3	3	100	46	54
2011	5	3	2	100	61	39
2012	6	3	3	100	53	47
2013	5	3	2	100	56	44
2014	5	3	3	100	52	48
RSE/SE	18	24	38	(NA)	13	13

Presence of Air-Conditioning in New Single-Family Houses Completed: Owner-Built¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
Midwest						
1973	59	17	42	100	28	72
1974	62	18	44	100	29	71
1975	73	20	53	100	27	73
1976	81	29	52	100	36	64
1977	87	34	53	100	39	61
1978	79	34	45	100	43	57
1979	81	32	49	100	39	61
1980	53	19	34	100	36	64
1981	44	17	27	100	39	61
1982	29	9	20	100	31	69
1983	37	12	24	100	33	67
1984	37	13	23	100	36	64
1985	34	16	18	100	47	53
1986	36	19	17	100	52	48
1987	44	24	20	100	55	45
1988	38	24	15	100	62	38
1989	40	25	15	100	63	37
1990	38	25	13	100	65	35
1991	40	25	15	100	62	38
1992	48	31	18	100	63	37
1993	47	30	18	100	63	37
1994	47	31	15	100	67	33
1995	42	29	13	100	70	30
1996	42	30	12	100	71	29
1997	41	28	13	100	67	33
1998	39	28	11	100	71	29
1999	46	33	13	100	72	28
2000	38	27	11	100	71	29
2001	39	29	10	100	74	26
2002	32	23	9	100	72	28
2003	30	24	6	100	81	19
2004	33	28	6	100	83	17
2005	32	25	7	100	78	22
2006	34	23	10	100	69	31
2007	27	19	8	100	69	31
2008	23	16	7	100	69	31
2009	17	12	6	100	67	33
2010	15	8	6	100	58	42
2011	12	8	4	100	67	33
2012	11	8	3	100	72	28
2013	10	7	3	100	72	28
2014	11	8	3	100	76	24
RSE/SE	23	20	50	(NA)	8	8

Presence of Air-Conditioning in New Single-Family Houses Completed: Owner-Built¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
South						
1973	86	46	40	100	53	47
1974	63	36	27	100	58	42
1975	66	38	28	100	57	43
1976	67	40	27	100	59	41
1977	87	58	28	100	67	33
1978	97	68	29	100	70	30
1979	95	70	25	100	74	26
1980	83	59	24	100	71	29
1981	79	57	22	100	72	28
1982	66	44	22	100	66	34
1983	76	56	20	100	73	27
1984	74	57	17	100	77	23
1985	74	57	17	100	77	23
1986	75	57	18	100	76	24
1987	71	59	12	100	83	17
1988	64	53	11	100	83	17
1989	54	45	9	100	84	16
1990	53	46	7	100	86	14
1991	52	42	9	100	82	18
1992	56	49	7	100	88	12
1993	63	56	7	100	89	11
1994	66	62	(S)	100	93	(S)
1995	59	55	(S)	100	94	(S)
1996	51	46	(S)	100	90	(S)
1997	55	51	(S)	100	94	(S)
1998	50	46	(S)	100	90	(S)
1999	52	50	2	100	96	4
2000	49	47	2	100	96	4
2001	46	45	1	100	97	3
2002	47	46	1	100	97	3
2003	43	41	2	100	96	4
2004	47	45	2	100	96	4
2005	43	42	1	100	98	2
2006	48	46	1	100	97	3
2007	43	40	2	100	95	5
2008	38	37	1	100	98	2
2009	29	28	1	100	97	3
2010	24	23	1	100	96	4
2011	24	22	1	100	94	6
2012	24	23	1	100	94	6
2013	20	19	1	100	94	6
2014	20	18	1	100	93	7
RSE/SE	18	18	51	(NA)	3	3

Presence of Air-Conditioning in New Single-Family Houses Completed: Owner-Built¹

(Components may not add to totals because of rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
West						
1973	23	8	15	100	35	65
1974	21	7	14	100	31	69
1975	27	7	20	100	26	74
1976	25	7	18	100	29	71
1977	34	12	22	100	35	65
1978	41	14	26	100	35	65
1979	39	15	24	100	39	61
1980	36	13	23	100	36	64
1981	30	12	18	100	41	59
1982	24	9	15	100	37	63
1983	32	14	18	100	44	56
1984	34	13	21	100	39	61
1985	32	11	21	100	36	64
1986	31	11	20	100	35	65
1987	30	10	20	100	32	68
1988	31	10	21	100	33	67
1989	25	11	15	100	41	59
1990	32	13	19	100	41	59
1991	30	11	19	100	38	62
1992	31	12	19	100	38	62
1993	31	9	22	100	30	70
1994	31	10	21	100	32	68
1995	30	10	20	100	34	66
1996	28	9	19	100	33	67
1997	25	10	15	100	40	60
1998	23	10	13	100	44	56
1999	26	12	14	100	47	53
2000	22	11	11	100	52	48
2001	21	11	10	100	51	49
2002	26	14	13	100	52	48
2003	29	18	11	100	62	38
2004	30	19	12	100	62	38
2005	28	17	11	100	62	38
2006	28	18	10	100	65	35
2007	26	18	9	100	68	32
2008	22	14	8	100	63	37
2009	12	6	6	100	53	47
2010	8	5	4	100	56	44
2011	7	3	5	100	39	61
2012	6	3	3	100	56	44
2013	6	4	2	100	66	34
2014	7	5	3	100	64	36
RSE/SE	20	29	36	(NA)	12	12

Footnotes:

RSE/SE - Relative Standard Error (percent), Standard Error (percentage points)

NA - Not available

A - Represents an RSE or SE that is greater or equal to 100 percent or could not be computed

Z - Less than 500 units or less than 0.5 percent

S - Withheld because estimate did not meet publication standards on the basis of response rate or a consistency review

¹"Owner-Built" houses are built for owner occupancy on the owner's land with the owner acting as the general contractor.

Note: Single-family estimates prior to 1999 include an upward adjustment of 3.3 percent made to account for structures built in permit-issuing areas without permit authorization.

Presence of Air-Conditioning in New Single-Family Houses Sold

(Components may not add to total due to rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
United States						
1978	816	515	301	100	63	37
1979	709	468	241	100	66	34
1980	530	370	160	100	70	30
1981	436	312	124	100	72	28
1982	412	306	106	100	74	26
1983	623	478	145	100	77	23
1984	639	490	149	100	77	23
1985	688	517	171	100	75	25
1986	749	567	182	100	76	24
1987	671	517	154	100	77	23
1988	676	552	124	100	82	18
1989	650	527	123	100	81	19
1990	534	434	100	100	81	19
1991	509	420	89	100	82	18
1992	610	500	110	100	82	18
1993	666	551	115	100	83	17
1994	670	550	120	100	82	18
1995	667	553	114	100	83	17
1996	757	633	124	100	84	16
1997	804	675	129	100	84	16
1998	886	756	130	100	85	15
1999	880	754	126	100	86	14
2000	877	763	114	100	87	13
2001	908	806	102	100	89	11
2002	973	870	103	100	89	11
2003	1,086	986	101	100	91	9
2004	1,203	1,102	101	100	92	8
2005	1,283	1,182	101	100	92	8
2006	1,051	972	79	100	93	7
2007	776	719	56	100	93	7
2008	485	450	35	100	93	7
2009	375	347	27	100	93	7
2010	323	295	28	100	91	9
2011	306	279	27	100	91	9
2012	368	338	30	100	92	8
2013	429	399	30	100	93	7
2014	437	404	33	100	93	7
RSE/SE	3	3	18	(NA)	1	1
Northeast						
1999	76	62	14	100	82	18
2000	71	59	13	100	82	18
2001	66	56	10	100	85	15
2002	65	56	9	100	87	13
2003	79	72	8	100	90	10
2004	83	75	8	100	91	9
2005	81	71	10	100	87	13
2006	63	56	8	100	88	12
2007	65	53	12	100	82	18
2008	35	30	5	100	87	13
2009	31	27	5	100	86	14
2010	31	27	3	100	89	11
2011	21	19	2	100	91	9
2012	29	27	2	100	94	6
2013	31	29	2	100	93	7
2014	28	25	3	100	91	9
RSE/SE	8	10	46	(NA)	4	4

Presence of Air-Conditioning in New Single-Family Houses Sold

(Components may not add to total due to rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
Midwest						
1999	168	155	13	100	92	8
2000	155	145	11	100	93	7
2001	164	149	15	100	91	9
2002	185	171	15	100	92	8
2003	189	177	12	100	94	6
2004	210	199	11	100	95	5
2005	205	194	11	100	95	5
2006	161	151	11	100	93	7
2007	118	113	5	100	96	4
2008	70	66	4	100	95	5
2009	54	52	2	100	97	3
2010	45	43	1	100	97	3
2011	45	44	1	100	98	2
2012	47	46	1	100	98	2
2013	61	59	2	100	97	3
2014	59	57	1	100	98	2
RSE/SE	9	9	56	(NA)	1	1
South						
1999	395	394	1	100	100	(Z)
2000	406	406	1	100	100	(Z)
2001	439	438	1	100	100	(Z)
2002	450	449	1	100	100	(Z)
2003	511	510	1	100	100	(Z)
2004	562	561	1	100	100	(Z)
2005	638	637	1	100	100	(Z)
2006	559	559	(Z)	100	100	(Z)
2007	411	411	1	100	100	(Z)
2008	266	266	(Z)	100	100	(Z)
2009	202	202	(Z)	100	100	(Z)
2010	173	173	(Z)	100	100	(Z)
2011	168	168	(Z)	100	100	(Z)
2012	195	195	(Z)	100	100	(Z)
2013	233	233	(Z)	100	100	(Z)
2014	243	242	(Z)	100	100	(Z)
RSE/SE	5	5	48	(NA)	(Z)	(Z)
West						
1999	242	143	99	100	59	41
2000	244	154	90	100	63	37
2001	239	163	76	100	68	32
2002	273	194	78	100	71	29
2003	307	226	80	100	74	26
2004	348	266	81	100	77	23
2005	358	280	78	100	78	22
2006	267	207	60	100	78	22
2007	181	142	39	100	79	21
2008	114	87	26	100	77	23
2009	87	67	21	100	76	24
2010	74	51	23	100	69	31
2011	72	48	24	100	66	34
2012	97	69	27	100	72	28
2013	105	78	27	100	75	25
2014	108	80	28	100	74	26
RSE/SE	5	6	20	(NA)	5	5

Footnotes:

RSE/SE - Relative Standard Error (percent), Standard Error (percentage points)

NA - Not available

A - Represents an RSE or SE that is greater or equal to 100 percent or could not be computed

Z - Less than 500 units or less than 0.5 percent

S - Withheld because estimate did not meet publication standards on the basis of response rate or a consistency review

Note: Single-family estimates prior to 1999 include an upward adjustment of 3.3 percent made to account for structures built in permit-issuing areas without permit authorization.

APPENDIX 1780

Presence of Air-Conditioning in Attached New Single-Family Houses Sold

(Components may not add to total due to rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
United States						
1986	147	125	22	100	85	15
1987	107	92	14	100	87	13
1988	95	82	13	100	87	13
1989	81	70	11	100	87	13
1990	56	48	8	100	85	15
1991	50	44	6	100	89	11
1992	59	52	7	100	89	11
1993	69	62	7	100	90	10
1994	74	66	8	100	89	11
1995	78	67	11	100	86	14
1996	84	77	7	100	91	9
1997	85	75	10	100	89	11
1998	92	84	8	100	91	9
1999	92	84	7	100	92	8
2000	91	82	9	100	91	9
2001	102	94	8	100	92	8
2002	114	103	11	100	91	9
2003	143	133	10	100	93	7
2004	168	154	14	100	92	8
2005	184	167	16	100	91	9
2006	143	130	13	100	91	9
2007	119	107	12	100	90	10
2008	73	65	7	100	90	10
2009	50	45	5	100	90	10
2010	42	39	3	100	92	8
2011	37	34	3	100	91	9
2012	46	42	4	100	92	8
2013	48	46	2	100	95	5
2014	44	41	3	100	93	7
RSE/SE	10	11	27	(NA)	2	2
Northeast						
1999	22	22	1	100	97	3
2000	20	19	1	100	94	6
2001	19	19	1	100	97	3
2002	16	15	1	100	95	5
2003	23	23	1	100	97	3
2004	22	22	1	100	96	4
2005	26	24	2	100	92	8
2006	19	18	1	100	94	6
2007	21	18	2	100	88	12
2008	10	9	1	100	89	11
2009	9	8	1	100	92	8
2010	8	7	(Z)	100	96	4
2011	6	5	(Z)	100	94	6
2012	10	10	(Z)	100	100	(Z)
2013	9	9	(Z)	100	97	3
2014	8	7	1	100	88	12
RSE/SE	16	18	64	(NA)	8	8
Midwest						
1999	24	24	(Z)	100	99	1
2000	24	23	1	100	95	5
2001	31	29	2	100	93	7
2002	40	37	3	100	92	8
2003	48	45	2	100	95	5
2004	49	47	2	100	97	3
2005	42	40	2	100	96	4
2006	36	35	1	100	96	4
2007	26	25	1	100	97	3
2008	14	13	(Z)	100	98	2
2009	10	10	(Z)	100	100	(Z)
2010	7	7	(Z)	100	100	(Z)
2011	6	6	(Z)	100	99	1
2012	5	5	(Z)	100	100	(Z)
2013	6	6	(Z)	100	100	(Z)
2014	6	6	(Z)	100	100	(Z)
RSE/SE	30	30	(NA)	(NA)	(Z)	(Z)

Presence of Air-Conditioning in Attached New Single-Family Houses Sold

(Components may not add to total due to rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
South						
1999	32	32	(Z)	100	100	(Z)
2000	35	34	(Z)	100	99	1
2001	39	39	(Z)	100	100	(Z)
2002	43	43	(Z)	100	100	(Z)
2003	54	54	(Z)	100	100	(Z)
2004	65	65	(Z)	100	100	(Z)
2005	81	81	(Z)	100	100	(Z)
2006	61	61	(Z)	100	100	(Z)
2007	49	49	(Z)	100	100	(Z)
2008	34	34	(Z)	100	100	(Z)
2009	20	20	(Z)	100	100	(Z)
2010	18	18	(Z)	100	100	(Z)
2011	18	18	(Z)	100	100	(Z)
2012	21	21	(Z)	100	100	(Z)
2013	23	23	(Z)	100	100	(Z)
2014	20	20	(Z)	100	100	(Z)
RSE/SE	16	16	(A)	(NA)	(Z)	(Z)
West						
1999	13	7	6	100	52	48
2000	12	6	6	100	50	50
2001	13	8	5	100	60	40
2002	15	9	7	100	56	44
2003	18	10	7	100	59	41
2004	32	21	11	100	65	35
2005	34	21	13	100	63	37
2006	27	17	10	100	62	38
2007	23	14	9	100	61	39
2008	16	10	6	100	62	38
2009	12	7	4	100	61	39
2010	9	6	3	100	69	31
2011	7	5	3	100	62	38
2012	10	6	4	100	63	37
2013	11	9	2	100	80	20
2014	10	8	2	100	78	22
RSE/SE	19	24	27	(NA)	7	7

Footnotes:

RSE/SE - Relative Standard Error (percent), Standard Error (percentage points)

NA - Not available

A - Represents an RSE or SE that is greater or equal to 100 percent or could not be computed

Z - Less than 500 units or less than 0.5 percent

S - Withheld because estimate did not meet publication standards on the basis of response rate or a consistency review

Note: Single-family estimates prior to 1999 include an upward adjustment of 3.3 percent made to account for structures built in permit-issuing areas without permit authorization.

Presence of Air-Conditioning in Detached New Single-Family Houses Sold

(Components may not add to total due to rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
United States						
1986	603	443	160	100	73	27
1987	564	425	139	100	75	25
1988	581	470	111	100	81	19
1989	569	457	112	100	80	20
1990	478	386	92	100	81	19
1991	459	376	83	100	82	18
1992	551	448	103	100	81	19
1993	597	489	108	100	82	18
1994	596	484	112	100	81	19
1995	589	486	103	100	82	18
1996	673	556	117	100	83	17
1997	719	600	119	100	83	17
1998	794	672	122	100	85	15
1999	789	670	119	100	85	15
2000	787	681	106	100	87	13
2001	806	712	94	100	88	12
2002	860	767	93	100	89	11
2003	944	853	90	100	90	10
2004	1,035	948	88	100	92	8
2005	1,099	1,014	85	100	92	8
2006	907	841	66	100	93	7
2007	657	613	44	100	93	7
2008	412	385	27	100	93	7
2009	324	302	22	100	93	7
2010	281	256	25	100	91	9
2011	269	245	24	100	91	9
2012	322	296	26	100	92	8
2013	381	353	28	100	93	7
2014	393	363	29	100	93	7
RSE/SE	3	3	20	(NA)	1	1
Northeast						
1999	54	40	13	100	75	25
2000	51	40	12	100	77	23
2001	46	37	9	100	80	20
2002	49	41	8	100	84	16
2003	56	49	7	100	87	13
2004	61	54	7	100	88	12
2005	55	47	8	100	85	15
2006	44	38	6	100	86	14
2007	44	35	9	100	79	21
2008	25	22	4	100	86	14
2009	22	18	4	100	83	17
2010	23	20	3	100	87	13
2011	15	14	2	100	90	10
2012	19	18	2	100	91	9
2013	22	20	2	100	92	8
2014	20	18	2	100	92	8
RSE/SE	13	14	49	(NA)	4	4
Midwest						
1999	144	131	13	100	91	9
2000	132	122	10	100	93	7
2001	133	120	13	100	91	9
2002	146	134	12	100	92	8
2003	142	132	10	100	93	7
2004	162	152	10	100	94	6
2005	163	153	10	100	94	6
2006	125	116	9	100	93	7
2007	93	88	4	100	95	5
2008	56	53	3	100	94	6
2009	44	43	2	100	96	4
2010	38	37	1	100	97	3
2011	39	38	1	100	97	3
2012	42	41	1	100	98	2
2013	55	53	2	100	97	3
2014	53	52	1	100	97	3
RSE/SE	10	9	36	(NA)	1	1

Presence of Air-Conditioning in Detached New Single-Family Houses Sold

(Components may not add to total due to rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
South						
1999	363	362	1	100	100	(Z)
2000	372	371	(Z)	100	100	(Z)
2001	400	399	1	100	100	(Z)
2002	407	406	1	100	100	(Z)
2003	457	456	1	100	100	(Z)
2004	497	496	1	100	100	(Z)
2005	557	556	1	100	100	(Z)
2006	498	498	(Z)	100	100	(Z)
2007	362	362	(Z)	100	100	(Z)
2008	233	233	(Z)	100	100	(Z)
2009	182	182	(Z)	100	100	(Z)
2010	156	155	(Z)	100	100	(Z)
2011	150	150	(Z)	100	100	(Z)
2012	174	174	(Z)	100	100	(Z)
2013	210	210	(Z)	100	100	(Z)
2014	222	222	(Z)	100	100	(Z)
RSE/SE	5	5	48	(NA)	(Z)	(Z)
West						
1999	228	136	93	100	59	41
2000	232	148	84	100	64	36
2001	227	156	71	100	69	31
2002	257	186	72	100	72	28
2003	289	216	73	100	75	25
2004	316	246	70	100	78	22
2005	324	258	66	100	80	20
2006	240	190	50	100	79	21
2007	158	128	30	100	81	19
2008	98	78	20	100	79	21
2009	76	60	16	100	78	22
2010	64	44	20	100	69	31
2011	64	43	21	100	67	33
2012	87	63	24	100	73	27
2013	94	70	25	100	74	26
2014	98	72	26	100	73	27
RSE/SE	6	6	21	(NA)	5	5

Footnotes:

RSE/SE - Relative Standard Error (percent), Standard Error (percentage points)

NA - Not available

A - Represents an RSE or SE that is greater or equal to 100 percent or could not be computed

Z - Less than 500 units or less than 0.5 percent

S - Withheld because estimate did not meet publication standards on the basis of response rate or a consistency review

Note: Single-family estimates prior to 1999 include an upward adjustment of 3.3 percent made to account for structures built in permit-issuing areas without permit authorization.

Presence of Air-Conditioning in New Single-Family Houses Sold by Sales Price

(Components may not add to total due to rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
All New Single-Family Houses Sold						
2002	973	870	103	100	89	11
2003	1,086	986	100	100	91	9
2004	1,203	1,102	101	100	92	8
2005	1,283	1,182	101	100	92	8
2006	1,051	972	79	100	93	7
2007	776	719	56	100	93	7
2008	485	450	35	100	93	7
2009	375	347	27	100	93	7
2010	323	295	28	100	91	9
2011	306	279	27	100	91	9
2012	368	338	30	100	92	8
2013	429	399	30	100	93	7
2014	437	404	33	100	93	7
RSE/SE	3	3	18	(NA)	1	1
Sales Price less than \$125,000						
2002	157	149	8	100	95	5
2003	150	144	6	100	96	4
2004	133	129	3	100	97	3
2005	104	101	3	100	97	3
2006	64	62	2	100	96	4
2007	38	36	2	100	94	6
2008	31	30	1	100	97	3
2009	25	25	1	100	98	2
2010	19	18	1	100	96	4
2011	19	19	(Z)	100	99	1
2012	16	15	1	100	96	4
2013	9	9	(Z)	100	97	3
2014	10	10	(Z)	100	100	(Z)
RSE/SE	19	19	64	(NA)	(Z)	(Z)
Sales Price between \$125,000 and \$149,999						
2002	138	127	11	100	92	8
2003	146	138	8	100	95	5
2004	137	129	8	100	94	6
2005	122	117	6	100	95	5
2006	97	93	4	100	96	4
2007	68	66	3	100	96	4
2008	46	45	1	100	98	2
2009	41	40	2	100	96	4
2010	36	36	1	100	99	1
2011	31	30	1	100	98	2
2012	30	30	1	100	98	2
2013	25	25	1	100	97	3
2014	18	18	(Z)	100	98	2
RSE/SE	11	11	41	(NA)	1	1
Sales Price between \$150,000 and \$199,999						
2002	237	210	27	100	89	11
2003	264	235	29	100	89	11
2004	254	232	22	100	92	8
2005	246	225	21	100	91	9
2006	208	196	12	100	94	6
2007	162	149	13	100	92	8
2008	106	99	7	100	94	6
2009	96	90	6	100	94	6
2010	79	73	5	100	93	7
2011	68	63	5	100	92	8
2012	74	70	4	100	94	6
2013	79	75	3	100	96	4
2014	72	69	3	100	96	4
RSE/SE	11	12	36	(NA)	1	1

Presence of Air-Conditioning in New Single-Family Houses Sold by Sales Price

(Components may not add to total due to rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
Sales Price between \$200,000 and \$249,999						
2002	139	124	15	100	89	11
2003	148	137	11	100	93	7
2004	181	161	21	100	89	11
2005	200	185	15	100	92	8
2006	162	145	17	100	90	10
2007	125	116	9	100	93	7
2008	86	79	6	100	92	8
2009	66	61	4	100	93	7
2010	54	48	6	100	89	11
2011	59	51	8	100	86	14
2012	68	60	9	100	87	13
2013	72	66	6	100	92	8
2014	71	65	6	100	92	8
RSE/SE	6	6	18	(NA)	1	1
Sales Price between \$250,000 and \$299,999						
2002	107	89	19	100	83	17
2003	112	100	13	100	89	11
2004	131	119	12	100	91	9
2005	152	138	13	100	91	9
2006	138	127	12	100	92	8
2007	102	95	7	100	93	7
2008	63	57	6	100	90	10
2009	48	42	6	100	88	12
2010	43	37	7	100	85	15
2011	40	35	5	100	87	13
2012	52	45	6	100	88	12
2013	67	59	8	100	88	12
2014	70	62	8	100	88	12
RSE/SE	6	6	20	(NA)	2	2
Sales Price between \$300,000 and \$399,999						
2002	106	90	16	100	85	15
2003	142	120	22	100	84	16
2004	165	150	14	100	91	9
2005	203	183	20	100	90	10
2006	174	156	18	100	89	11
2007	121	112	10	100	92	8
2008	69	63	7	100	90	10
2009	46	42	5	100	90	10
2010	44	40	4	100	90	10
2011	46	41	5	100	90	10
2012	63	58	5	100	92	8
2013	85	77	8	100	91	9
2014	88	78	10	100	89	11
RSE/SE	10	9	26	(NA)	2	2
Sales Price between \$400,000 and \$499,999						
2002	47	43	5	100	90	10
2003	56	50	5	100	90	10
2004	90	78	12	100	87	13
2005	111	101	10	100	91	9
2006	84	78	5	100	94	6
2007	65	60	5	100	92	8
2008	35	32	3	100	91	9
2009	23	21	2	100	90	10
2010	21	18	3	100	86	14
2011	20	18	2	100	89	11
2012	33	31	2	100	94	6
2013	40	37	3	100	93	7
2014	47	44	3	100	93	7
RSE/SE	10	9	49	(NA)	3	3

Presence of Air-Conditioning in New Single-Family Houses Sold by Sales Price

(Components may not add to total due to rounding. Percents computed from unrounded figures.)

Year	Number of houses (in thousands)			Percent distribution		
	Total	With air-conditioning	Without air-conditioning	Total	With air-conditioning	Without air-conditioning
Sales Price between \$500,000 and \$749,999						
2002	31	29	2	100	94	6
2003	51	46	5	100	90	10
2004	82	74	7	100	91	9
2005	99	90	9	100	91	9
2006	80	74	6	100	92	8
2007	62	57	5	100	92	8
2008	31	28	3	100	91	9
2009	20	18	1	100	93	7
2010	18	17	1	100	92	8
2011	17	16	1	100	95	5
2012	23	21	2	100	93	7
2013	36	34	1	100	96	4
2014	41	39	2	100	94	6
RSE/SE	9	9	24	(NA)	1	1
Sales Price \$750,000 or more						
2002	12	11	1	100	90	10
2003	17	16	2	100	90	10
2004	31	29	2	100	92	8
2005	45	42	3	100	94	6
2006	43	41	2	100	95	5
2007	32	30	2	100	93	7
2008	18	17	1	100	95	5
2009	10	9	1	100	94	6
2010	8	8	(Z)	100	95	5
2011	6	5	(Z)	100	96	4
2012	9	9	(Z)	100	95	5
2013	16	16	(Z)	100	97	3
2014	21	20	1	100	95	5
RSE/SE	11	12	26	(NA)	1	1

Footnotes:

RSE/SE - Relative Standard Error (percent), Standard Error (percentage points)

NA - Not available

A - Represents an RSE or SE that is greater or equal to 100 percent or could not be computed

Z - Less than 500 units or less than 0.5 percent

S - Withheld because estimate did not meet publication standards on the basis of response rate or a consistency review

Table HC7.10 Air Conditioning in Homes in South Region, Divisions, and States, 2009

Million Housing Units, Final														
	Total U.S. ¹ (millions)	South Census Region												
		South Atlantic Census Division						East South Central Census Division				West South Central Census Division		
		Total South Atlantic	VA	GA	FL	DC, DE, MD, WV	NC, SC	Total East South Central	TN	AL, KY, MS	Total West South Central	TX	AR, LA, OK	
Air Conditioning														
Total Homes.....	113.6	42.1	22.2	3.0	3.5	7.0	3.4	5.4	7.1	2.4	4.6	12.8	8.5	4.2
Air Conditioning Equipment														
Use Air Conditioning Equipment.....	94.0	40.5	21.2	2.8	3.4	6.7	3.2	5.1	6.9	2.4	4.5	12.4	8.2	4.1
Have Air Conditioning Equipment But Do Not Use It.....	4.9	0.9	0.6	Q	Q	0.2	Q	Q	Q	Q	Q	0.2	0.2	Q
Do Not Have Air Conditioning Equipment.....	14.7	0.7	0.4	Q	Q	Q	Q	Q	0.1	Q	Q	0.2	0.1	Q
Type of Air Conditioning Equipment Used (more than one may apply)														
Use Central Air Conditioning Equipment.....	69.7	34.6	18.4	2.4	3.1	6.0	2.3	4.5	5.8	2.1	3.7	10.4	7.2	3.2
Without a Heat Pump.....	56.1	24.6	10.9	0.9	2.4	3.9	1.2	2.4	4.1	1.5	2.5	9.6	6.7	2.9
With a Heat Pump.....	13.5	10.0	7.5	1.5	0.7	2.1	1.1	2.1	1.7	0.5	1.2	0.8	0.4	0.3
Use Window/Wall Air Conditioning Units.....	25.9	6.5	3.2	0.5	0.3	0.8	1.0	0.7	1.2	0.4	0.9	2.1	1.2	0.9
With 1 Unit.....	12.9	2.7	1.3	0.3	0.1	0.3	0.3	0.3	0.7	0.3	0.5	0.7	0.3	0.4
With 2 Units.....	7.9	2.0	1.0	Q	0.1	0.3	0.3	0.2	0.3	Q	0.2	0.7	0.4	0.3
With 3 or More Units.....	5.1	1.8	0.9	Q	Q	0.2	0.3	0.2	0.2	Q	0.1	0.7	0.5	0.3
Have But Do Not Use Central Air Conditioning Equipment.....	2.3	0.5	0.3	Q	Q	0.1	Q	Q	Q	Q	Q	0.2	0.1	Q
Have But Do Not Use Window/Wall Air Conditioning Units.....	2.7	0.4	0.3	Q	Q	0.1	Q	Q	Q	Q	Q	Q	Q	Q
Do Not Have Air Conditioning Equipment.....	14.7	0.7	0.4	Q	Q	Q	Q	Q	0.1	Q	Q	0.2	0.1	Q
Central Air Conditioning														
Housing Units Served by Central Air Conditioning Equipment ²														
One Housing Unit.....	67.6	33.8	17.9	2.4	3.1	5.9	2.1	4.5	5.8	2.1	3.7	10.1	6.9	3.2
Two or More Housing Units.....	2.0	0.8	0.5	Q	Q	0.2	0.2	Q	Q	Q	Q	0.3	0.3	Q
Do Not Have or Use Central Air Conditioning Equipment.....	44.0	7.5	3.8	0.6	0.3	1.0	1.1	0.8	1.3	0.4	0.9	2.4	1.4	1.0
Usage of Central Air Conditioning														
All Summer.....	36.2	23.3	12.2	1.5	2.2	4.0	1.3	3.2	4.1	1.5	2.6	7.1	5.0	2.1
Quite a Bit.....	13.9	5.3	2.7	0.5	0.5	1.0	0.3	0.5	0.9	0.3	0.6	1.7	1.0	0.6
Only A Few Times When Needed.....	19.6	6.1	3.5	0.4	0.5	1.1	0.6	0.9	0.9	0.3	0.6	1.7	1.2	0.5
Do Not Have or Use Central Air Conditioning Equipment.....	44.0	7.5	3.8	0.6	0.3	1.0	1.1	0.8	1.3	0.4	0.9	2.4	1.4	1.0

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Table HC7.10 Air Conditioning in Homes in South Region, Divisions, and States, 2009

Million Housing Units, Final														
Air Conditioning	Total U.S. ¹ (millions)	South Census Region												
		South Atlantic Census Division						East South Central Census Division			West South Central Census Division			
		Total South Atlantic	VA	GA	FL	DC, DE, MD, WV	NC, SC	Total East South Central	TN	AL, KY, MS	Total West South Central	TX	AR, LA, OK	
Total Homes.....	113.6	42.1	22.2	3.0	3.5	7.0	3.4	5.4	7.1	2.4	4.6	12.8	8.5	4.2
Age of Central Air Conditioning Equipment														
Less Than 2 Years.....	6.3	3.2	1.7	0.2	0.2	0.7	0.3	0.3	0.6	0.2	0.4	0.9	0.7	0.3
2 to 4 Years.....	11.4	5.9	3.2	0.5	0.5	1.2	0.3	0.6	1.1	0.3	0.7	1.7	1.1	0.5
5 to 9 Years.....	20.9	10.9	5.9	0.8	1.2	2.0	0.5	1.4	1.5	0.6	0.9	3.6	2.4	1.2
10 to 14 Years.....	15.9	7.9	3.8	0.4	0.6	1.1	0.5	1.1	1.5	0.5	1.0	2.7	1.8	0.8
15 to 19 Years.....	6.9	2.9	1.7	0.2	0.3	0.5	0.3	0.4	0.6	0.2	0.4	0.6	0.5	Q
20 Years or More.....	8.4	3.7	2.2	0.2	0.4	0.6	0.3	0.6	0.6	0.2	0.4	1.0	0.7	0.3
Do Not Have or Use Central Air Conditioning Equipment.....	44.0	7.5	3.8	0.6	0.3	1.0	1.1	0.8	1.3	0.4	0.9	2.4	1.4	1.0
Routine Service or Maintenance Performed on Central Air Conditioning Equipment ³														
Yes.....	29.2	15.6	8.7	1.2	1.4	3.3	1.0	1.8	2.1	0.8	1.3	4.8	3.2	1.5
No.....	40.5	19.0	9.7	1.2	1.8	2.7	1.3	2.8	3.7	1.3	2.4	5.7	3.9	1.7
Do Not Have or Use Central Air Conditioning Equipment.....	44.0	7.5	3.8	0.6	0.3	1.0	1.1	0.8	1.3	0.4	0.9	2.4	1.4	1.0
Thermostats														
Have Thermostat for Central Air Conditioning Equipment														
Yes.....	68.1	34.1	18.2	2.4	3.1	5.9	2.3	4.5	5.7	2.1	3.7	10.2	7.0	3.2
No.....	1.6	0.5	0.2	N	Q	0.1	Q	Q	Q	N	Q	0.2	0.2	Q
Do Not Have or Use Central Air Conditioning Equipment.....	44.0	7.5	3.8	0.6	0.3	1.0	1.1	0.8	1.3	0.4	0.9	2.4	1.4	1.0
Have Programmable Thermostat for Central Air Conditioning Equipment														
Yes.....	32.5	13.1	7.6	1.0	1.7	2.7	0.9	1.3	1.5	0.6	0.9	4.0	3.0	1.0
No.....	35.6	21.0	10.6	1.4	1.4	3.2	1.3	3.1	4.2	1.4	2.7	6.2	4.0	2.2
No Thermostat or Do Not Have or Use Central Air Conditioning Equipment.....	45.5	8.0	4.1	0.6	0.3	1.1	1.2	0.9	1.3	0.4	1.0	2.6	1.5	1.0

Table HC7.10 Air Conditioning in Homes in South Region, Divisions, and States, 2009

	Million Housing Units, Final										South Census Region									
	Total U.S. ¹ (millions)					South Atlantic Census Division					East South Central Census Division					West South Central Census Division				
						Total South Atlantic					Total East South Central					Total West South Central				
						VA	GA	FL	DC, DE, MD, WV	NC, SC	Total East South Central	TN	AL, KY, MS	Total West South Central	TX	AR, LA, OK				
Air Conditioning																				
Total Homes.....	113.6	42.1	22.2	3.0	3.5	7.0	3.4	5.4	7.1	2.4	4.6	12.8	8.5	4.2						
Use of Programmable Thermostat																				
Adjusts Temperature During Day When No One is Home																				
Yes.....	19.1	7.9	4.6	0.6	0.9	1.8	0.5	0.8	0.7	0.3	0.4	2.5	1.9	0.6						
No.....	13.3	5.3	3.0	0.4	0.8	0.9	0.4	0.6	0.8	0.3	0.5	1.5	1.1	0.4						
Adjusts Temperature During Sleeping Hours																				
Yes.....	19.3	8.0	4.5	0.6	0.9	1.8	0.5	0.7	0.8	0.4	0.5	2.6	1.9	0.7						
No.....	13.2	5.1	3.0	0.4	0.8	0.9	0.4	0.6	0.7	0.3	0.4	1.4	1.1	0.3						
No Programmable Thermostat or Do Not Have or Use Central Air Conditioning Equipment.....	81.1	28.9	14.6	2.0	1.8	4.3	2.5	4.0	5.5	1.8	3.7	8.8	5.5	3.2						
Summer Indoor Temperatures																				
Daytime Temperature When Someone is Home																				
69 Degrees or Less.....	6.6	3.4	1.5	0.3	0.3	0.2	0.3	0.5	0.9	0.3	0.6	1.0	0.5	0.5						
70 Degrees.....	8.5	4.6	2.0	0.2	0.5	0.4	0.3	0.6	1.0	0.5	0.5	1.6	1.0	0.6						
71 to 73 Degrees.....	11.2	6.0	3.2	0.6	0.5	0.6	0.5	1.0	1.2	0.5	0.7	1.6	1.0	0.6						
74 to 76 Degrees.....	13.2	8.2	4.3	0.5	0.7	1.7	0.4	1.1	1.2	0.4	0.9	2.7	2.1	0.6						
77 to 79 Degrees.....	8.4	5.2	3.1	0.4	0.6	1.7	0.2	0.3	0.5	0.2	0.4	1.5	1.2	0.3						
80 or More Degrees.....	2.2	1.2	0.8	Q	Q	0.5	N	0.2	0.1	Q	Q	0.3	0.2	Q						
Do Not Have or Regularly Use Central Air Conditioning Equipment.....	63.5	13.5	7.4	1.0	0.8	2.0	1.8	1.7	2.1	0.6	1.5	4.0	2.5	1.5						
Daytime Temperature When No One is Home																				
69 Degrees or Less.....	4.8	2.4	1.2	0.2	0.3	0.1	0.2	0.4	0.7	0.2	0.5	0.5	0.3	0.3						
70 Degrees.....	6.3	3.5	1.6	0.2	0.4	0.3	0.2	0.5	0.8	0.4	0.5	1.1	0.6	0.5						
71 to 73 Degrees.....	7.8	4.0	2.2	0.5	0.4	0.3	0.3	0.7	0.8	0.4	0.5	1.0	0.5	0.5						
74 to 76 Degrees.....	12.4	7.4	3.8	0.6	0.6	1.1	0.4	1.1	1.3	0.5	0.9	2.3	1.6	0.6						
77 to 79 Degrees.....	9.4	5.8	3.3	0.4	0.6	1.5	0.3	0.5	0.6	0.2	0.4	1.9	1.4	0.5						
80 or More Degrees.....	9.4	5.4	2.8	0.3	0.4	1.6	0.2	0.4	0.7	0.2	0.4	2.0	1.6	0.3						
Do Not Have or Regularly Use Central Air Conditioning Equipment.....	63.5	13.5	7.4	1.0	0.8	2.0	1.8	1.7	2.1	0.6	1.5	4.0	2.5	1.5						

Table HC7.10 Air Conditioning in Homes in South Region, Divisions, and States, 2009

Million Housing Units, Final														
	Total U.S. ¹ (millions)	South Census Region												
		South Atlantic Census Division					East South Central Census Division				West South Central Census Division			
		Total South Atlantic	VA	GA	FL	DC, DE, MD, WV	NC, SC	Total East South Central	TN	AL, KY, MS	Total West South Central	TX	AR, LA, OK	
Air Conditioning														
Total Homes.....	113.6	42.1	22.2	3.0	3.5	7.0	3.4	5.4	7.1	2.4	4.6	12.8	8.5	4.2
Temperature at Night														
69 Degrees or Less.....	7.9	4.3	2.0	0.3	0.4	0.4	0.4	0.6	0.9	0.3	0.6	1.3	0.7	0.6
70 Degrees.....	8.7	5.0	2.1	0.2	0.5	0.5	0.3	0.6	1.2	0.5	0.6	1.7	1.0	0.7
71 to 73 Degrees.....	10.7	5.8	3.1	0.6	0.5	0.7	0.4	0.9	1.1	0.4	0.7	1.6	1.0	0.6
74 to 76 Degrees.....	12.6	7.7	4.1	0.5	0.6	1.6	0.4	1.0	1.2	0.4	0.8	2.4	1.9	0.6
77 to 79 Degrees.....	7.4	4.3	2.7	0.3	0.5	1.3	0.2	0.3	0.4	Q	0.3	1.2	1.1	0.2
80 or More Degrees.....	2.7	1.5	0.8	Q	0.1	0.4	N	0.2	0.2	Q	Q	0.5	0.3	Q
Do Not Have or Regularly Use Central Air Conditioning Equipment.....	63.5	13.5	7.4	1.0	0.8	2.0	1.8	1.7	2.1	0.6	1.5	4.0	2.5	1.5
Window/Wall Air Conditioning														
Usage of Most-Used Window/Wall Unit														
All Summer.....	6.4	2.6	1.1	0.2	0.1	0.3	0.2	0.3	0.5	0.2	0.3	1.1	0.6	0.4
Quite a Bit.....	5.6	1.5	0.8	0.1	Q	0.2	0.3	Q	0.3	Q	0.2	0.4	0.2	0.2
Only A Few Times When Needed.....	13.9	2.3	1.3	0.2	0.1	0.3	0.4	0.3	0.4	0.1	0.3	0.6	0.4	0.2
Do Not Have or Use Window/Wall Unit.....	87.7	35.6	19.1	2.5	3.2	6.2	2.5	4.7	5.9	2.1	3.8	10.7	7.3	3.3
Age of Most-Used Window/Wall Unit														
Less Than 2 Years.....	3.7	1.2	0.7	0.1	Q	0.2	0.2	Q	Q	Q	Q	0.4	0.2	0.2
2 to 4 Years.....	7.7	2.1	0.9	0.1	0.1	0.3	0.2	0.2	0.4	Q	0.3	0.7	0.5	0.3
5 to 9 Years.....	8.3	2.0	1.0	0.1	0.1	0.2	0.4	0.2	0.4	0.1	0.3	0.6	0.3	0.2
10 to 14 Years.....	3.4	0.7	0.4	Q	Q	Q	Q	0.1	0.1	Q	Q	0.2	Q	Q
15 to 19 Years.....	1.0	0.2	Q	Q	N	N	Q	Q	Q	N	Q	Q	Q	Q
20 Years or More.....	1.7	0.3	Q	N	N	Q	Q	Q	Q	Q	Q	Q	Q	Q
Do Not Have or Use Window/Wall Unit.....	87.7	35.6	19.1	2.5	3.2	6.2	2.5	4.7	5.9	2.1	3.8	10.7	7.3	3.3
Energy Star Most-Used Window/Wall Unit ⁴														
Yes.....	11.1	2.8	1.3	0.2	0.1	0.3	0.4	0.3	0.4	0.1	0.3	1.0	0.7	0.4
No.....	6.8	2.0	0.9	0.1	0.1	0.3	0.2	0.2	0.5	0.2	0.3	0.6	0.3	0.3
Don't Know.....	1.9	0.5	0.4	Q	Q	0.1	0.2	Q	N	N	N	Q	Q	Q
Unit More than 9 Years Old.....	6.1	1.2	0.5	Q	Q	0.1	0.2	0.2	0.3	Q	0.2	0.3	0.1	0.2
Do Not Have or Use Window/Wall Unit.....	87.7	35.6	19.1	2.5	3.2	6.2	2.5	4.7	5.9	2.1	3.8	10.7	7.3	3.3

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Table HC7.10 Air Conditioning in Homes in South Region, Divisions, and States, 2009

Million Housing Units, Final														
	Total U.S. ¹ (millions)	South Census Region												
		South Atlantic Census Division					East South Central Census Division			West South Central Census Division				
		Total South Atlantic	VA	GA	FL	DC, DE, MD, WV	NC, SC	Total East South Central	TN	AL, KY, MS	Total West South Central	TX	AR, LA, OK	
Air Conditioning														
Total Homes.....	113.6	42.1	22.2	3.0	3.5	7.0	3.4	5.4	7.1	2.4	4.6	12.8	8.5	4.2
Dehumidifier Use During 2009														
Use a Dehumidifier.....	15.0	2.9	2.0	0.4	0.3	0.3	0.7	0.3	0.5	0.2	0.3	0.3	0.2	Q
1 to 3 Months.....	6.5	1.3	0.9	0.2	0.1	0.1	0.2	0.2	0.2	0.1	0.1	0.2	0.1	Q
4 to 6 Months.....	4.6	0.7	0.5	0.1	0.1	Q	0.2	Q	Q	Q	Q	Q	Q	N
7 to 9 Months.....	1.1	0.2	0.1	Q	Q	Q	Q	Q	Q	N	Q	Q	Q	Q
10 to 11 Months.....	0.4	Q	Q	N	Q	N	Q	Q	Q	Q	Q	Q	N	Q
Turned on All Year.....	2.4	0.6	0.4	Q	Q	0.1	0.2	N	0.1	Q	Q	Q	Q	N
Do Not Use a Dehumidifier.....	98.6	39.2	20.2	2.6	3.2	6.7	2.7	5.0	6.6	2.3	4.3	12.4	8.3	4.1
Use an Evaporative or Swamp Cooler														
(Asked Only in Arid Areas) ⁵														
Yes.....	2.8	0.3	Q	N	Q	N	N	N	N	N	N	0.2	0.2	N
No.....	44.4	19.3	4.7	N	3.4	N	N	1.3	2.0	N	2.0	12.5	8.3	4.2
Not Asked.....	66.5	22.6	17.5	3.0	N	7.0	3.4	4.1	5.1	2.4	2.6	Q	Q	N
Number of Ceiling Fans Used														
0.....	31.0	7.0	4.0	0.8	0.5	1.2	0.8	0.8	1.1	0.5	0.7	1.9	1.2	0.6
1.....	23.2	6.9	3.9	0.4	0.6	0.9	0.7	1.2	1.1	0.5	0.6	1.9	1.2	0.7
2.....	18.4	7.5	3.9	0.5	0.5	1.2	0.6	1.1	1.2	0.5	0.7	2.4	1.6	0.8
3.....	13.6	6.0	3.2	0.4	0.4	1.0	0.6	0.8	0.9	0.3	0.5	1.9	1.3	0.7
4 or More.....	27.4	14.7	7.3	0.9	1.4	2.7	0.7	1.5	2.8	0.7	2.1	4.7	3.2	1.5
Frequency of Most-Used Ceiling Fan Use														
All Summer.....	30.4	16.2	7.5	0.9	1.3	2.4	1.0	1.8	3.2	0.9	2.3	5.5	3.7	1.8
Quite a Bit.....	21.2	8.0	4.4	0.5	0.7	1.5	0.6	1.2	1.2	0.4	0.8	2.3	1.6	0.8
Only A Few Times When Needed.....	26.9	9.4	5.2	0.7	0.8	1.5	0.9	1.4	1.3	0.6	0.8	2.8	1.8	1.0
Do Not Have or Use Ceiling Fans.....	35.2	8.6	5.1	0.8	0.7	1.6	1.0	1.0	1.3	0.6	0.7	2.2	1.4	0.7

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Table HC7.10 Air Conditioning in Homes in South Region, Divisions, and States, 2009

Million Housing Units, Final															
Air Conditioning	South Census Region														
	Total U.S. ¹ (millions)	South Atlantic Census Division						East South Central Census Division				West South Central Census Division			
		Total South Atlantic	VA	GA	FL	DC, DE, MD, WV	NC, SC	Total East South Central	TN	AL, KY, MS	Total West South Central	TX	AR, LA, OK		
Total Homes.....	113.6	42.1	22.2	3.0	3.5	7.0	3.4	5.4	7.1	2.4	4.6	12.8	8.5	4.2	

¹Total U.S. includes all primary occupied housing units in the 50 States and the District of Columbia. Vacant housing units, seasonal units, second homes, military housing, and group quarters are excluded.

²Use of central air conditioning equipment for another housing unit also includes the use of the central air conditioning equipment for a business or farm building as well as another housing unit

³Only includes routine service or maintenance performed in the last year.

⁴Energy Star is a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy in which household products that meet strict energy efficiency guidelines earn the Energy Star. The Energy Star questions were only asked of appliances purchased within the past nine years. Older appliances probably do not meet the current Energy Star criteria, and the respondent may not have purchased or remember purchasing the appliance.

⁵Only housing units in Alabama, Arkansas, Arizona, California, Colorado, Georgia, Louisiana, Montana, New Mexico, Nevada, Oklahoma, Oregon, South Carolina, Texas, Utah, and Washington were asked about evaporative coolers.

Q = Data withheld either because the Relative Standard Error (RSE) was greater than 50 percent or fewer than 10 households were sampled.

N = No cases in reporting sample.

Notes: • Because of rounding, data may not sum to totals. • See Glossary for definition of terms used in these tables.

Source: U.S. Energy Information Administration, Office of Energy Consumption and Efficiency Statistics, Forms EIA-457 A and C of the 2009 Residential Energy Consumption Survey.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN MCCOLLUM, *et al.*,
Plaintiffs,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

§
§
§
§
§
§
§
§
§

CIVIL NO. 4:14-CV-3253

Exhibit 74

About the Housing Choice Vouchers Program

What are Housing Choice Vouchers?

Housing choice vouchers allow very low-income families to choose and lease or purchase safe, decent, and affordable privately-owned rental housing.

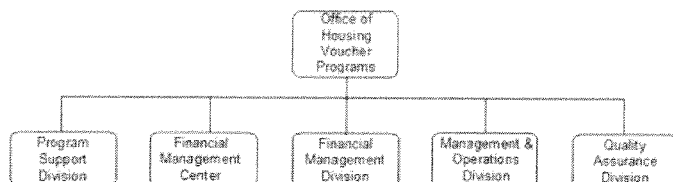
Program Overview

- **Housing choice voucher program fact sheet**
Definition, eligibility, application, and rent subsidy information, in addition to a description of the tenant, landlord, housing authority, and HUD's roles.
- **Housing choice voucher list**
A list of all program vouchers and services.

Presentations and Publications

- **Housing Choice Voucher Newsletter - July 2011, Volume 2, Issue 7**
- **HQS Inspection Manual** - This manual has been written to provide public housing agency (PHA) staff with additional information for implementing a Housing Quality Standards program under the Section 8 Existing Housing Program.
- **Housing choice voucher program guidebook** - April 2001
Serves to advise public housing agencies (PHAs) and other organizations providing services to PHAs regarding the administration of the tenant-based subsidy programs. Users may **go to this page** which contains the entire Guidebook in PDF format.

Organization Structure



► Office of Housing Voucher Program

► **Program Support Division**

►

APPENDIX 1795

**Financial Management
Center**

- **Financial Management
Division**
- **Management &
Operations Division**
- **Quality Assurance
Division**

Customer Service

If you have a Housing Choice Voucher complaint, please contact the PIH Customer Service Center through our toll-free number at **(800) 955-2232** from 9:00 a.m. to 5:00 p.m., Eastern Standard Time (EST) daily Monday through Friday, except for Federal holidays. You may also send an email directly to the Public Housing's Customer Service email address: **pihirc@firstpic.org**. **Click here** for **PIH Information Resource Center**.

CHAPTER 10

HOUSING QUALITY STANDARDS

10.1 CHAPTER OVERVIEW

The goal of the housing choice voucher program is to provide “decent, safe and sanitary” housing at an affordable cost to low-income families. To accomplish this, program regulations set forth basic housing quality standards (HQS) which all units must meet before assistance can be paid on behalf of a family and at least annually throughout the term of the assisted tenancy. HQS defines “standard housing” and establishes the minimum criteria necessary for the health and safety of program participants.

HQS regulations provide performance requirements and acceptability criteria to meet each performance requirement. HQS includes requirements for all housing types, including single and multi-family dwelling units, as well as specific requirements for special housing types such as manufactured homes, congregate housing, single room occupancy (SROs), shared housing and group residences (GRs). Requirements for Special Housing Types are discussed in Chapter 17.

The HUD Housing Inspection Manual for Section 8 Housing, available through the HUD user at 800-245-2691, and the HUD Inspection Form, form HUD-52580 (3/01) and Inspection Checklist, form HUD 52580-A (9/00), available through HUDCLIPS website: www.hudclips.org, provide guidance to PHAs in interpreting the standards, as well as HUD regulations.

10.2 HOUSING QUALITY STANDARDS GENERAL REQUIREMENTS

At least annually, it is the responsibility of the PHA to conduct inspections of units to determine compliance with HQS prior to the execution of the entire term of the assisted lease. Inspections may be completed by PHA staff or by contract personnel. HQS consists of the following thirteen (13) performance requirements:

- Sanitary facilities;
- Food preparation and refuse disposal;
- Space and security;
- Thermal environment;
- Illumination and electricity;
- Structure and materials;
- Interior air quality;
- Water supply;
- Lead-based paint;
- Access;
- Site and neighborhood;
- Sanitary condition; and
- Smoke Detectors.

Tenant Preference

The family may determine the adequacy of room sizes and room locations. The family is also responsible for deciding the acceptability of the type of door and window locks.

Thermal Environment*Performance Requirement*

- The dwelling unit must be able to provide a thermal environment that is healthy for the human body.

Acceptability Criteria

- There must be a safe system for heating the dwelling unit, such as electric baseboard, radiator, or forced air systems. In order to ensure a healthy living environment appropriate for the climate the system must be able to provide adequate heat either directly or indirectly to each room.
- If present, the air conditioning system or evaporative cooler, must safely provide adequate cooling to each room.
- The heating and/or air conditioning system must be in proper operating condition.
- The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Electric heaters are acceptable.

The PHA must define “a healthy living environment” for the local climate. Local or state codes will help the PHA determine when and how much heat is adequate. For example, a PHA may define a heating system capable of maintaining an interior temperature of 65° between October 1 and May 1 as adequate.

Adequate heat is required in all rooms used for living; the heat source does not have to be located in each room as long as the heat can pass to the appropriate space and meet the definition of adequate. Portable electric room heaters or kitchen stoves with built-in heating units are not acceptable as a primary source of heat for units located in climatic areas where permanent heat systems are required.

Improper operating conditions, including all conditions that may be unsafe, such as broken or damaged source vents, flues, exhausts, gas or oil lines that create a potential fire hazard or threats to health and safety are not permitted. Heating unit safety devices must be present, and the heating equipment must have proper clearance from combustible materials and location of oil storage tanks. There must be proper gas and oil connections. Local plumbing, fire, or mechanical codes are instructive in providing details about acceptable materials for furnace and water heater hookups and required clearances appropriate to the jurisdiction where units are

located. Seek assistance from local code enforcement offices to determine health and safety standards for equipment hook-up and clearance requirements.

Heating system inspections are often required by local or state authorities especially for large multi-family buildings. If the heating system has passed inspection from the inspecting authority within the past two years, the PHA may accept this as proof of heating equipment safety.

Working cooling equipment refers to a central ventilation system, evaporative cooling system, room or central air conditioning. These systems are not required by HQS, but if present, must be operating safely so as not to create a potential fire hazard or other threat to health and safety.

Tenant Preference

The PHA has no control over energy conservation measures, such as dwelling insulation or installation of storm windows and doors. The family must assess whether a dwelling without these items is acceptable; the family must take into account the cost of utilities billed to the family and personal feelings about adequate heat. Dwellings that are poorly insulated or lack storm windows are generally drafty and more difficult to heat and cool.

Illumination and Electricity

- Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants.
- The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances.
- Electrical fixtures and wiring must not pose a fire hazard.

Acceptability Criteria

- There must be at least one window in both the living room and each sleeping room.
- The kitchen area and the bathroom must have a permanent ceiling or wall-mounted fixture in proper operating condition.
- The kitchen must have at least one electrical outlet in proper operating condition.
- The living room and each sleeping space must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets.

The PHA must be satisfied that the electrical system is free of hazardous conditions, including: exposed, uninsulated, or frayed wires, improper connections, improper insulation or grounding of

- „ The exterior wall structure and surfaces must not have any serious defects such as serious leaning, buckling, sagging, large holes, unfastened and falling components, or defects that would result in air infiltration or vermin infestation.
- „ The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc. must not present a danger of tripping and falling. Examples include, but are not limited to, broken or missing steps and loose boards.
- „ Elevators must be working, safe and compliant with locally enforced codes.

Manufactured homes must be securely anchored by tie down devices, which distribute and transfer the loads imposed by the unit to appropriate ground anchors so as to resist wind overturning and sliding.

Interior Air Quality

- „ The unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust and other harmful pollutants.
- „ The unit must have adequate air circulation.
- „ Bathroom must have a window in operable condition or a permanently installed exhaust fan.
- „ Any room used for sleeping must have at least one window in operable condition if it were designed to do so.

Water Supply

- „ The unit must be served by an approved public or private water supply, which is sanitary and free from contamination.

Lead-Based Paint

- „ A dwelling unit constructed before 1978 that is occupied by a family that includes a child under the age of six years must include a visual inspection for defective paint surfaces. Defective paint surface is defined as a surface on which the paint is cracking, scaling, chipping, peeling or loose. If defective paint surfaces are found, such surfaces must be treated.

Access

- „ The unit must have direct access for the tenant to enter and exit, without the unauthorized use of other private properties. The building must have an alternate means of exit in case of fire (such as fire stairs or exit through windows, with the use of a ladder if windows are above the second floor).

- „ Entry/exits must not be “blocked” by debris, stored items, non-working locks, or doors that have been nailed shut or otherwise obstructed.

Site and Neighborhood

- „ The site and neighborhood of the unit must be reasonably free of serious conditions which would endanger the health and safety of the residents.

Infestation

- „ The unit and its equipment must be free of serious vermin and rodent infestation.

Smoke Detectors

- „ The unit must have at least one battery operated or hard-wired smoke detector that is in proper operating condition on each level of the unit, including basements but excluding crawl spaces and unfinished attics.
- „ Detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 or its successors (currently NFPA 720).
- „ If the unit is occupied by a hearing-impaired person, smoke detectors must have an alarm system designed for the hearing-impaired persons as specified by NFPA 74 (or its successors).
- „ In new construction, there must be a smoke detector in each room for sleeping, and those must be arranged so that the operation of any detector will cause all other detectors to alarm.

Utilities

- „ All utilities (water, electricity and gas where applicable) must be on before the inspection will be scheduled.
- „ All gas appliances must have pilots lit before an inspection will be scheduled.

Occupancy

- „ The unit to be inspected must either be vacant or occupied by the Section 8 client applying for that unit.

Housing Choice Voucher Program

H.Q.S. Inspection Checklist

Housing Authority of the City of Austin

Established in 1937

SECTION 8 PROGRAM OWNER'S GUIDE

THE HOUSING QUALITY STANDARDS INSPECTION

The unit must pass a housing quality standards inspection. The inspection will be conducted approximately 5-7 days after receipt of the completed Request for Lease Approval. A HQS inspector will contact the owner by phone to schedule the inspection.

All utilities must be connected before an inspection can be conducted.

RENT REASONABLENESS

The requested rent amount must be reasonable as compared to other similar unassisted units. The Housing Authority must approve all rents requested.

ANNUAL HOUSING QUALITY STANDARDS INSPECTIONS and COMPLAINT INSPECTIONS

The Housing Authority is required to inspect the unit annually. The housing authority may also perform a complaint inspection if it is determined that an owner is not maintaining the unit. Any deficiencies will be noted and a notice mailed indicating a repair deadline. The owner or property manager is required to repair items within 30 days or 24 hours for life threatening deficiencies. The family is responsible for any tenant caused damages beyond normal wear and tear.

HOUSING QUALITY STANDARDS INSPECTION

OVERVIEW

Before the Housing Authority can make payments on behalf of a tenant family, the unit must meet HUD's minimum Housing Quality Standards (HQS). These standards have been implemented by HUD nationwide to ensure that all assisted units meet minimum health and safety standards. The Housing Authority will inspect the unit for HQS initially and at least annually.

In order to ensure that the unit meets Housing Quality Standards, review the requirements and correct any HQS violations before the inspection. At the time of the inspection, the unit should be "move-in" ready. This will prevent delays in the housing assistance payments.

Required Repairs

If the unit fails the initial inspection or annual inspection, an inspection report with the failed items indicated will be mailed. When the repairs are complete, contact the Housing Authority to request a re-inspection. First housing assistance payments can not be made until the unit passes an inspection. Repairs for the annual inspection must be made within 30 days or 24 hours for life threatening emergencies. For annual inspections, if repairs are not made by the stated deadline, housing assistance payments will stop.

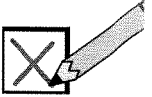
Most Common HQS Failed Items

- ✓ Non functional smoke detectors
- ✓ Missing or cracked electrical outlet cover plates
- ✓ Railings not present where required
- ✓ Peeling exterior and interior paint
- ✓ Trip hazards caused by installed floor coverings (carpets/vinyl)
- ✓ Cracked or broken window panes
- ✓ Inoperable burners on stoves or inoperable range hoods
- ✓ Missing burner control knobs

- ✓ Inoperable bathroom fan/no ventilation
- ✓ Leaking faucets or plumbing
- ✓ No temperature/pressure relief valve on water heaters

HQS CHECKLIST

The following is a listing of items inspected to meet Housing Quality Standards:



Bathroom

- The bathroom must be located in a separate room and have a flush toilet.
- The unit must have a fixed basin with a sink trap and hot and cold running water.
- The unit must have a shower or bathtub with hot and cold running water.
- The toilet facilities must utilize an approvable public or private disposal system, including a locally approvable septic system.

Kitchen

- The unit must have a cooking stove or range and refrigerator of appropriate size for the unit (i.e., family) all in proper operating condition. Stoves, ovens, and ranges must have all control knobs and handles. Gas stove burners must light by pilot jets without the use of incendiary devices (i.e., matches, lighter, etc.).
- The unit must have a kitchen sink in proper operating condition with a sink trap and hot and cold running water which drains into an approvable public or private wastewater system.
- The unit must provide space for the storage, preparation, and serving of food.
- There must be facilities and services for the sanitary disposal of food waste and refuse, including temporary storage facilities where necessary (i.e., garbage containers).

Space and Security

- The unit must have a minimum of a living room, kitchen area, and bathroom.

■ The unit must contain at least one sleeping or living/sleeping room for each two persons.

■ The unit's windows which are accessible from the outside, such as basement, first-floor, and fire escape windows, must be lockable (e.g., window units with sash pins or sash locks, and combination windows with latches). Vertically opening windows must stay up and open without the use of props. Windows designed to open should be openable.

■ The unit's exterior doors (i.e., those that allow access to or from the unit) must be lockable, and compliant with current Texas Property Code requirements regarding security devices for residential tenancies.

Thermal Environment (Heating and Cooling System)

■ The unit must contain a safe heating system (and safe cooling system, where present) which is in proper operating condition and can provide adequate heat (and cooling, if applicable), either directly or indirectly, to each room used for living in order to assure a healthy living environment appropriate to the climate.

■ The unit must not contain any unvented room heaters, which burn gas, oil, or kerosene. A working radiator would be acceptable.

Illumination and Electricity

■ There must be at least one window in the living room and in each sleeping room.

■ The kitchen area and the bathroom must have a permanent ceiling or wall-type light fixture in working condition. The kitchen area must also have at least one electrical outlet in operating condition.

■ The living room and each bedroom must have at least two electrical outlets in operating condition. Permanently installed overhead or wall-mounted light fixtures may count as one of the required electrical outlets.

■ All other rooms used for living require a means of natural or artificial illumination such as a light fixture, a wall outlet to serve a lamp, a window in the room, or adequate light from an adjacent room.

- Each electrical outlet must be permanently installed in the baseboard, wall, or floor.
- Table or floor lamps, ceiling lamps plugged into a socket, or an extension cord plugged into another plug cannot be counted as an outlet for HQS purposes.
- Electrical hazards of any kind, either inside or outside the unit would receive a fail rating.

Structure and Materials

- Interior ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing parts, or other serious damage.
- The floors must also not have any major movement under walking stress, or tripping hazards presented by the permanent floor coverings.
- The roof must be structurally sound and weather tight.
- The exterior wall structure and surfaces must not have any serious defects such as serious leaning, buckling, sagging, large holes, unfastened and falling components, or defects that would result in air infiltration or vermin infestation.
- The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc. must not present a danger of tripping and falling. Examples include, but are not limited to, broken or missing steps and loose boards.
- Elevators must be working, safe, and compliant with locally enforced codes.
- Manufactured homes must be securely anchored by tie down devices, which distribute and transfer the loads imposed by the unit to appropriate ground anchors so as to resist wind overturning and sliding.

Interior Air Quality

- The unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants.

- The unit must have adequate air circulation.
- Bathrooms must have an openable window or a permanently installed exhaust fan.
- Any room used for sleeping must have at least one openable window, if the window was so designed.

Water Supply

- The unit must be served by an approvable public or private water supply, which is sanitary and free from contamination.

Lead-Based Paint

- A dwelling unit constructed before 1978 that is occupied by a family that includes a child under the age of six years must include a visual inspection for defective paint surfaces. Defective paint surface is defined as a surface on which the paint is cracking, scaling, chipping, peeling or loose. If defective paint surfaces are found, such surfaces must be treated.

Access

- The unit must have direct access for the tenant to enter and exit, without the unauthorized use of other private properties.
- The building must provide an alternate means of exit in case of fire (such as fire stairs or exit through windows, with the use of a ladder if windows are above the second floor).
- Entry/exits must not be “blocked” by debris, stored items, non-working locks, or doors that have been nailed shut or otherwise obstructed.

Site and Neighborhood

- The site and neighborhood must be reasonably free of serious conditions, which would endanger the health and safety of residents.

Infestation

- The unit and its equipment must be free of serious vermin and rodent infestation.

Smoke Detectors

- The unit must have at least one battery operated or hardwired smoke detector that is in proper operating condition on each level of the unit, including basements but excluding crawl spaces and unfinished attics.
- Detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 or its successors (currently NFPA 720).
- If the unit is occupied by any hearing-impaired person, smoke detectors must have an alarm system designed for hearing-impaired persons as specified by NFPA 74 (or its successors).
- In new construction, there must be a smoke detector in each room used for sleeping, and those must be arranged so that the operation of any detector will cause all other detectors to alarm.

Utilities

- All utilities (water, electricity, and gas where applicable) must be on before the inspection will be scheduled.
- All gas appliances must have pilots lit before an inspection will be scheduled.

Occupancy

- Unit to be inspected must be either vacant or occupied by the Section 8 client applying for that unit.



1017 N. MAIN AVE., SUITE 201, SAN ANTONIO, TX 78212
(210) 225-0071 FAX: (210) 225-6976

HQS INSPECTION CHECKLIST

To participate in the Section 8 program, landlords must ensure that units pass Housing Quality Standards (HQS) set by federal regulations and the Department of Housing and Urban Development. Following is a checklist to help landlords ensure their units pass HQS inspections conducted by the Housing Authority of Bexar County inspections team.

- Utilities must be turned on for the completion of the inspection.
- No chipping or peeling paint inside or outside.
- Stove must be clean and in working order and secured. (If provided by landlord.)
- Refrigerator must be clean, have a kick plate and be in working order. (If provided by landlord.)
- There must be a working heating system installed or provided by owner.
- Hot and cold running water in the kitchen and bathroom(s).
- There must be a shower or bathtub that works.
- There must be a flush toilet that works and does not leak.
- The bathroom must have either a window to the outside or an exhaust fan vented to the outside.
- There must not be any plumbing leaks.
- There must not be any plugged drains (check for slow drains).
- All plumbing fixtures must have P-traps.
- All ground floor windows must have working locks and exterior doors must have working deadbolts.
- All windows must be in good working condition.
- All electrical outlets must have cover plates and be in good working condition.
- All ground fault circuit interrupters (GFCIs) must work properly.
- There must not be any missing, broken or cracked windows.
- The roof must not leak. Indications of a leak are discolorations or stains on the ceiling.
- The hot water heater tank must have a temperature pressure relief valve with downward discharge pipe made of galvanized steel or copper tubing that is between six inches to eight inches from the floor (no PVC). CPVC is acceptable.
- The floor covering cannot be torn or have holes that can cause someone to trip.
- If there are stairs and railings, they must be secure.
- Four or more exterior stairs must have handrails 34 inches to 38 inches from the ground.
- Walk offs or porches 30 inches above grade must have guard rails 36 inches from the ground.
- Working smoke detectors are required in every unit and on every level.
- The contract rent must be reasonable based on the rent of comparable units in the neighborhood.
- All security bars and windows must have a quick release mechanism.
- Keyless bolting devices, and door viewers must be installed on each exterior door and doors exiting into the garage area. Keyless bolting devices may not be installed higher than 48 inches or lower than 36 inches from the floor.
- All sliding glass doors must have a pin lock zero to 48 inches from the floor, and if the manufacturer's lock to the sliding door is inoperable, there must be an additional security bar on the door.
- All windows should open and close as designed and have working lock devices.

Signature

Date



1017 N. MAIN AVE., SUITE 201, SAN ANTONIO, TX 78212
(210) 225-0071 FAX: (210) 225-6976

**THIS FORM MUST BE COMPLETED BY THE FAMILY
AND OWNER PRIOR TO THE HOUSING INSPECTOR
INSPECTING THE DWELLING UNIT**

ALL ITEMS MUST HAVE A WRITTEN COMMENT !!

COMMENTS

1. ROOMS - LIVINGROOM/BEDROOMS

- a.) Ceilings – Must be in good condition, no cracks
- b.) Walls – Must be in good condition, no holes
- c.) Floors – Must be in good condition, no holes or torn carpeting
- d.) Locks – Locks that work on all windows and doors that can be reached from the outside
- e.) Paint – No peeling or chipping paint
- f.) Windows – At least one window, every window must be in good condition
- g.) Electricity – At least two (2) outlets, or one (1) outlet and one (1) permanent overhead light fixture

NOTE: Condition/Cleaning of carpeting is not a Housing Quality Standards Item, it is a "tenants choice".

2. KITCHEN

- a.) Ceilings – Must be in good condition, no cracks
- b.) Walls – Must be in good condition, no holes
- c.) Floors – Must be in good condition, no holes or torn carpeting
- d.) Locks – Locks that work on all windows and doors that can be reached from the outside
- e.) Paint – No peeling or chipping paint
- f.) Windows – If there is a window it must be in good condition
- g.) Storage – Some space to store food
- h.) Preparation Area – Some space to prepare food
- i.) Stove and Oven – A stove and oven that works (can be furnished by the Tenant)
- j.) Refrigerator – That keeps temperatures low enough so that food does not spoil. (Can be furnished by the Tenant)
- k.) Serving – Some space to serve food
- l.) Sink – A sink with hot and cold running water
- m.) Electricity – At least one (1) outlet and one permanent light fixture

3. HALLWAYS

- a.) Ceilings – Must be in good condition, no cracks
- b.) Walls – Must be in good condition, no holes
- c.) Floors – Must be in good condition, no holes or torn carpet
- d.) Electricity – At least one overhead light fixture

4. BATHROOM

- a.) Ceiling – Must be in good condition, no cracks
- b.) Locks – Locks that work on all windows and doors that can be reached from the outside
- c.) Window – A window that opens, or a working exhaust fan
- d.) Toilet – A flush toilet that works
- e.) Tub or Shower – A tub or shower with hot and cold running water

4. **BATHROOM (continued)**

- f.) Floors – Must be in good condition and water resistant (no tripping hazards)
- g.) Paint – No peeling or chipping paint
- h.) Walls – Must be in good condition, no holes
- i.) Electricity – At least one (1) permanent overhead or wall light fixture
- j.) Sink – A sink with hot and cold running water

5. **EXTERIOR**

- a.) Roof – In good condition that does not leak
- b.) Handrails – Secure handrails on any extended length of stairs (more than 4 steps) and any porches, balconies or decks which are more than 30 inches above ground
- c.) Walls – Must be in good condition
- d.) Paint – No cracking, peeling or chipping paint
- e.) Trash – No accumulation of garbage or other debris in the yard or immediate area. (including junked vehicles)
- f.) Lights – lights that work in all common hallways and interior stairs
- g.) Stairs – Must be in a good, safe condition with good handrails (No "spokes" more than 9 inches apart)

6. **COMFORT ITEMS - SANITATION/SAFETY**

- a.) Cooling – Some windows that open, or some working ventilation system
- b.) Heat – Enough heating equipment so that the unit can be made comfortably warm during cold months. (Space heaters are not allowed but can be allowed if properly installed)
- c.) Hot water – Require Pop-Off valve and discharge line
- d.) Rodents and Vermin – No sign of Rats or large number of mice or vermin (roaches)
- e.) Smoke Detector – At least one smoke detector, in proper working order in each dwelling
- f.) Sewers – No open sewers, must be properly connected to the City's sewer system

I CERTIFY THAT I HAVE INSPECTED THE DWELLING UNIT AT _____ ON _____
AND I REQUEST THE HABC TO APPROVE THE DWELLING UNIT IN ITS PRESENT CONDITION TO PASS HOUSING
QUALITY STANDARDS.

** The Family may be responsible for any damage not listed above. Please list any other comments:

FAMILY SIGNATURE	DATE	OWNER SIGNATURE	DATE
------------------	------	-----------------	------

Property Maintenance Standards Assessment Results

Please check one:

☐

This is to certify that on _____ (DATE), the housing unit located at _____ (STREET ADDRESS) Harlingen, Texas PASSED the City of Harlingen's Property Maintenance Standards Assessment.

☐

This is to certify that on _____ (DATE), the housing unit located at _____ (STREET ADDRESS) Harlingen, Texas) FAILED the City of Harlingen's Property Maintenance Standards Assessment due to the following reasons:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

Inspected by:

Ricardo Trevino, Housing Specialist

Notes: _____

Name/Address: _____

City of Harlingen

Down Payment Assistance Program

Property Maintenance Standards Checklist

For any housing unit to be approved for occupancy by a homebuyer receiving down payment assistance, its condition must meet the City's property maintenance standards.

The City of Harlingen has put together this Property Maintenance Standards Checklist to determine if the property you wish to purchase is decent, safe and sanitary. We encourage homebuyers to use this checklist when shopping for a home so they can determine how close to being in compliance with these standards the home they plan to purchase already is.

If a property does not meet the City's property maintenance standards, the necessary repairs must be made prior to closing. If the seller chooses to sell the property "as is", the property will be deemed ineligible and the buyer will be forced to shop for another home. Using this checklist to assess the present condition of the home is a great way to save time!

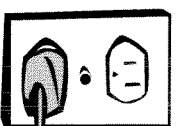
For more information about Property Maintenance Standards, please contact the:

City of Harlingen-Community Development Department

502 E. Tyler

Harlingen, Texas 78550

(956) 216-5180



Electrical

1. There are at least 2 working electrical outlets and

1 permanently mounted working light fixture in the living room. ☐ Yes ☐ No

2. There is at least working double electrical outlet and 1 permanently mounted working light fixture in the kitchen. ☐ Yes ☐ No

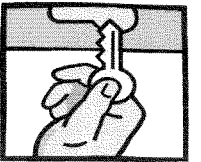
3. There is at least 1 working double outlet and one permanently mounted light fixture in the bathroom. ☐ Yes ☐ No

4. There are at least 2 working double electrical outlets and 1 permanently mounted working light fixture in every bedroom. ☐ Yes ☐ No

5. The unit and all shared spaces are free from any electrical hazards such as: broken, non-insulated or frayed wiring; improper types of wiring, connections or insulation; wires lying in or located near standing water or other unsafe places; light fixtures hanging from electric wiring without firm support or fixture; cover plates missing from switches or outlets; badly cracked outlets; exposed fuse box connections; overloaded circuits evidenced by frequently "blown" fuses. ☐ Yes ☐ No

6. The unit and all shared spaces are free from electric outlets that are located where water might splash or collect. ☐ Yes ☐ No

Security



7. All windows and doors that are accessible from the outside have a properly working lock.

Yes ☐ No ☐

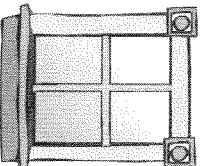
8. The unit can be entered without going through another unit.

Yes ☐ No ☐

9. The unit has an alternative way for occupants to exit in case of fire which meets state regulations.

Yes ☐ No ☐

Windows



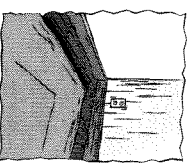
10. Every habitable space has at least 1 operable window.

Yes ☐ No ☐

11. Windows are free of signs of severe deterioration, missing or broken panes.

Yes ☐ No ☐

Walls and Floors



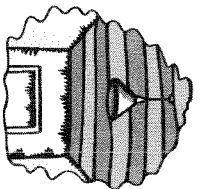
12. The walls are sound and free from hazardous defects such as severe buckling, bulging or leaning; damaged or loose structural members; large holes; or air filtration.

Yes ☐ No ☐

13. The floors are sound and free from hazardous defects such as severe buckling, major movement under walking stress; or damaged or missing parts.

Yes ☐ No ☐

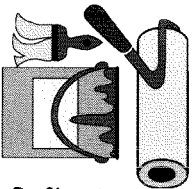
Ceilings



14. All ceilings are sound and free from hazardous defects such as severe bulging or buckling; large holes; missing parts; or loose surface materials that are falling or in danger of falling.

Yes ☐ No ☐

Paint

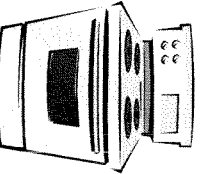


15. In units built prior to 1978, all surfaces are free from damaged or deteriorated paint.

(This includes any paint that is peeling, chipping, cracking, chalking or in any way coming loose from the surface it's applied to.) If not, paint must be stabilized by trained workers and pass a clearance test.

Yes ☐ No ☐

Kitchen



16. All plumbing fixtures are installed/maintained in working order--free of obstructions, leaks and defects.

Yes ☐ No ☐

17. Kitchen contains suitable space and equipment to store, prepare and serve foods in a sanitary manner. (Exception: Appliances to be furnished by Buyer.)

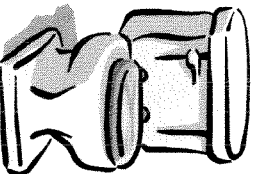
Yes ☐ No ☐

Kitchen [continued]

18. The kitchen contains a permanently attached working sink with both hot and cold running water and a properly connected working drain with a "P" trap, and space to store, prepare and serve food.

Yes ☐ No ☐

Bathroom



19. The unit contains a toilet in proper working condition available for the exclusive use of the unit's occupants.

Yes ☐ No ☐

20. There is a permanently installed working bathroom sink with both hot and cold running water and a properly connected drain.

Yes ☐ No ☐

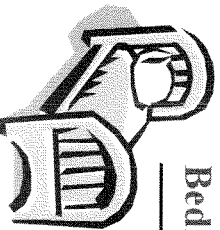
21. The unit has either a working bathtub or shower with both hot and cold running water and a properly connected drain.

Yes ☐ No ☐

22. The bathroom has either at least 1 operable window or a working vent system.

Yes ☐ No ☐

Bedrooms



23. All of the bedrooms have atleast 1 operable window.

Yes ☐ No ☐

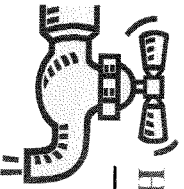
Smoke Detectors

24. Each level of the unit, including has a working smoke detector.

Yes ☐ No ☐

25. If any of the unit's residents are hearing impaired, the smoke detection system also produces a visual alert that can be seen in their sleeping areas.

Yes ☐ No ☐

Heating and Plumbing

26. The heating equipment is capable of delivering enough heat to insure that

the occupants will have a healthy environment.

Yes ☐ No ☐

27. The unit is free from all types of unsafe heating conditions, such as unvented fuel-burning space heaters; potential for fire; improper connection of flues allowing exhaust gases to enter the living area; absence of safety devices; improper use of equipment; and combustible materials near a heat source or a flue.

Yes ☐ No ☐

28. The unit has adequate ventilation and cooling by means of either openable windows or a working cooling system.

Yes ☐ No ☐

29. Water heaters are located, equipped and installed in a safe manner, including the presence of a pressure relief valve and discharge line.

Yes ☐ No ☐

Heating and Plumbing [continued]

30. The unit is served by an approvable public or private sanitary water supply.

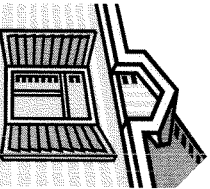
Yes ☐ No ☐

31. The plumbing is free from major leaks or corrosion causing serious, persistent levels of rust contaminating the drinking water.

Yes ☐ No ☐

32. The plumbing is connected to an acceptable public or private disposal system and is free from sewer back-up.

Yes ☐ No ☐

**Building Exterior**

33. The building's foundation is sound and free from hazards such as potential for structural collapse or other conditions which allow significant entry of ground water.

Yes ☐ No ☐

34. All stairs, rails and porches are sound and free from hazards such as severe structural defects; or broken, missing or rotting steps.

Yes ☐ No ☐

35. All stairways with 4 or more consecutive steps have a handrail; and all porches or balconies 30" or more above the ground have a secure rail.

Yes ☐ No ☐

36. All exterior surfaces are free from buckling or sagging; large holes, cracks, breaks and loose or rotting material.

Yes ☐ No ☐

Building Exterior [continued]

37. The chimney is sound and free from hazards such as leaning.

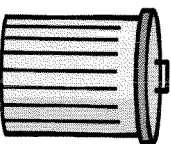
Yes ☐ No ☐

38. The roof, gutters and downspouts are sound, tight, and free from defects that admit rain. Roof drainage is adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts are in good repair and free of obstructions.

Yes ☐ No ☐

39. Manufactured homes are properly placed and securely anchored by a tiedown device.

Yes ☐ No ☐

**Also Be Sure That...**

40. The unit is free from heavy accumulations of garbage or other debris and has adequate containers.

Yes ☐ No ☐

41. The unit is free from severe infestation by rodents, insects or other vermin.

Yes ☐ No ☐

42. The interior stairs and shared hallways are free from hazards like loose, broken or missing steps or railings and inadequate lighting.

Yes ☐ No ☐

43. valid inspection certificates.

Yes ☐ No ☐

44. The unit is free from abnormally high levels of air pollution from vehicular exhaust, sewer gas, fuel gas, dust or other pollutants.

Yes ☐ No ☐

Overcrowding

45. How many bedrooms does the unit contain? _____

46. How many persons does the household contain? _____

47. Based on the number of bedrooms and household size, will more than two persons occupy any one bedroom? **Yes** ☐ **No** ☐
(Living room may be used as a bedroom.)

HUD > Program Offices > Public and Indian Housing > PIH > Public Housing > Rental Housing Integrity Improvement Project (RHIP) > Utility Allowance Air Conditioning Fact Sheet

Utility Allowance Air Conditioning Fact Sheet

HUD Resources

Utility Allowance Guidebook, HUD, September 1998.

A two-part publication that addresses utility allowance methodologies, principles, and federal regulations. Available by calling the PIH Information and Resource Center at (800) 955-2232.

The U.S. Department of Housing and Urban Development (HUD) is looking at ways to reduce income and rent errors and improper payments in the administration of both public housing and Section 8 Housing Choice Voucher programs under the Rental Housing Integrity Improvement Project (RHIP). One area under review is PHA payment of the utility allowance costs associated with air conditioning (A/C). This Fact Sheet is intended to clarify the Department's utility allowance policy related to air conditioning.

1. Question: What is a Utility Allowance?

Answer: Per HUD, the total resident payment of rent includes both shelter and the costs for reasonable amounts of utilities. The amount that a PHA determines is necessary to cover the resident's reasonable utility costs the utility allowance. (See U.S. Department of Housing and Urban Development, *Utility Allowance Guidebook*, September 1998.)

2. Question: Is air conditioning generally an allowable utility cost?

Answer: No. See 24 CFR §965.506(e).

If a PHA installs air conditioning and gives residents the option of choosing to use it, and it is either retail metered or check metered, residents must pay for the energy used. The PHA must not include air conditioning in the utility allowance.

For systems that offer residents the option to choose air conditioning but cannot be metered, residents are to be surcharged.

3. Question: How do you calculate the monthly electric consumption of an air conditioner (kWh)?

Answer: For information on the calculation of monthly A/C

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electrical consumption, see U.S. Department of Housing and Urban Development, *Utility Allowance Guidebook*, September 1998.

4. Question: Does HUD monitor PHA air conditioning utility allowance schedules?

Answer: Yes. In accordance with 24 CFR §965.502(d), HUD may review schedules of allowances and surcharges in the course of audits or reviews of PHA operations.

5. Question: How is the tenant notified of utility costs?

Answer: In accordance with 24 CFR §966.4, the lease between the PHA and each tenant shall contain a statement of utilities, services and equipment to be supplied by the PHA without additional cost, and utilities and appliances to be paid by the tenant.

For technical assistance on utility allowances, specifically related to air conditioning, please contact your local Field Office. All other requests should be directed to the PIH Information and Resource Center on 1-800-955-2232 or visit our website at:

<http://www.hud.gov/offices/pih/programs/ph/phecc/allowances.cfm>.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN MCCOLLUM, *et al.*,
Plaintiffs,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

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CIVIL NO. 4:14-CV-3253

Exhibit 75

[Skip to Main Content](#)

Main Menu

[Back to National Coverage Determination \(NCD\) for Durable Medical Equipment Reference List](#)

National Coverage Determination (NCD) for Durable Medical Equipment Reference List (280.1)

Select the 'Print Complete Record', 'Add to Basket' or 'Email Record' buttons to print the record, to add it to your basket or to email the record.

Printing Note:

To print an entire document, including all codes in all code groups, use the 'Need a PDF' button or the 'Print Complete Record' button.

To print only the current visible page contents, use the 'Print' button in the page header.

Tracking Information

Publication Number 100-3	Manual Section Number 280.1	Manual Section Title Durable Medical Equipment Reference List
Version Number 2	Effective Date of this Version 5/5/2005	Implementation Date 7/5/2005

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Description Information

Benefit Category

Durable Medical Equipment

Note: This may not be an exhaustive list of all applicable Medicare benefit categories for this item or service.

Item/Service Description

The durable medical equipment (DME) list that follows is designed to facilitate the Medicare Administrative Contractor's (MAC's) processing of DME claims. This section is designed as a quick reference tool for determining the coverage status of certain pieces of DME and especially for those items commonly referred to by both brand and generic names. The information contained herein is applicable (where appropriate) to all DME national coverage determinations (NCDs) discussed in the DME portion of this manual. The list is organized into two columns. The first column lists alphabetically various generic categories of equipment on which NCDs have been made by the Centers for Medicare & Medicaid Services (CMS); the second column notes the coverage status.

In the case of equipment categories that have been determined by CMS to be covered under the DME benefit, the list outlines the conditions of coverage that must be met if payment is to be allowed for the rental or purchase of the DME by a particular patient, or cross-refers to another section of the manual where the applicable coverage criteria are described in more detail. With respect to equipment categories that cannot be covered as DME, the list includes a brief explanation of why the equipment is not covered. This DME list will be updated periodically to reflect any additional NCDs that CMS may make with regard to other categories of equipment.

When the MAC receives a claim for an item of equipment which does not appear to fall logically into any of the generic categories listed, the MAC has the authority and responsibility for deciding whether those items are covered under the DME benefit.

These decisions must be made by each MAC based on the advice of its medical consultants, taking into account:

- The Medicare Claims Processing Manual, Chapter 20, "Durable Medical Equipment, Prosthetics and Orthotics, and Supplies (DMEPOS)."

APPENDIX 1822

- Whether the item has been approved for marketing by the Food and Drug Administration (FDA) and is otherwise generally considered to be safe and effective for the purpose intended; and
- Whether the item is reasonable and necessary for the individual patient.

The term DME is defined as equipment which:

- Can withstand repeated use; i.e., could normally be rented and used by successive patients;
- Is primarily and customarily used to serve a medical purpose;
- Generally is not useful to a person in the absence of illness or injury; and,
- Is appropriate for use in a patient's home.

Indications and Limitations of Coverage

Durable Medical Equipment Reference List

Item	Coverage
Air Cleaners	Deny - environmental control equipment; not primarily medical in nature (§1861(n) of the Act).
Air Conditioners	Deny - environmental control equipment; not primarily medical in nature (§1861(n) of the Act).
Air-Fluidized Beds	(See Air-Fluidized Beds, §280.8 of the NCD Manual.)
Alternating Pressure Pads, Mattresses and Lamb's Wool Pads	Covered if patient has, or is highly susceptible to, decubitus ulcers and the patient's physician specifies that he/she has specified that he will be supervising the course of treatment.
Audible/Visible Signal/Pacemaker Monitors	(See Self-Contained Pacemaker Monitors.)
Augmentative Communication Devices	(See Speech Generating Devices §50.1 of this manual.)
Bathtub Lifts	Deny - convenience item; not primarily medical in nature (§1861(n) of the Act).
Bathtub Seats	Deny - comfort or convenience item; hygienic equipment; not primarily medical in nature (§1861(n) of the Act).
Bead Beds	(See §280.8.)
Bed Baths (home type)	Deny - hygienic equipment; not primarily medical in nature (§1861(n) of the Act).
Bed Lifters (bed elevators)	Deny - not primarily medical in nature (§1861(n) of the Act).
Bedboards	Deny - not primarily medical in nature (§1861(n) of the Act).
Bed Pans (autoclavable hospital type)	Covered if patient is bed confined.
Bed Side Rails	(See Hospital Beds, §280.7 of this manual.)

APPENDIX 1823

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN MCCOLLUM, *et al.*,
Plaintiffs,

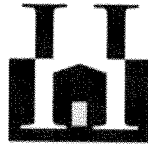
v.

BRAD LIVINGSTON, *et al.*,
Defendants.

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CIVIL NO. 4:14-CV-3253

Exhibit 76



HOUSTON
HOUSING AUTHORITY

Transforming Lives & Communities

Housing Quality Standards Inspection Checklist

To prevent delays, the R.T.A. must be complete and upon submission the unit must be in “move in” condition or an inspection will not be conducted.

A Fair Housing and Equal Opportunity Agency
For assistance: Individuals with disabilities may contact the 504/ADA Administrator
at 713-260-0528, TTY 713-260-0547 or 504ADA@housingforhouston.com.

Houston Housing Authority Housing Choice Voucher Program Owner's Guide

The Housing Quality Standards Inspection

The unit must pass a Housing Quality Standards (HQS) Inspection. The inspection will be conducted approximately 7-10 days after receipt by the Inspections Department. An HQS scheduler will contact the owner by phone to schedule the inspection. Please make all contact numbers available when you submit the Request for Tenancy Approval (RTA). Calls from the HQS scheduler must be returned within 24 hours to confirm inspection times or an inspection will not be conducted.

All utilities must be on and working before an inspection can be conducted.

If the unit fails a second inspection, a third inspection will not be conducted. Instead, the paperwork will be returned and a new RTA must be submitted to begin the process over again.

Rent Reasonableness

The requested rent amount must be reasonable as compared to other similar assisted units. A Market Analyst will determine if the requested rent is reasonable as compared to an unassisted unit when considering the location, quality, size, type, age, amenities, housing services, maintenance and utilities to be provided. The Houston Housing Authority must approve all rents requested.

Annual Housing Quality Standards Inspections and Complaint Inspections

The Houston Housing Authority is required to inspect the unit annually. The Housing Authority may also perform a complaint inspection if it is determined that an owner is not maintaining the unit. Any deficiencies will be noted and a notice will be mailed indicating a repair deadline. The owner or property manager is required to repair items within 30 days or 24 hours for life threatening deficiencies. The family is responsible for any tenant-caused damages beyond normal wear and tear.

Housing Quality Standards Inspection

Overview

Before the Houston Housing Authority can make payments on behalf of a tenant family, the unit must meet HUD's minimum Housing Quality Standards (HQS). These standards have been implemented by HUD nationwide to ensure that all assisted units meet minimum health and safety standards. The Housing Authority will inspect the unit for HQS initially and at least annually. To ensure that the unit meets HQS, please review the following requirements and correct any HQS violations before the inspection. At the time of the inspection, the unit must be "move-in" ready. This will prevent delays in the housing assistance payments.

Required Repairs

If the unit fails the initial or annual inspection, an inspection report with failed items indicated will be provided. The first housing assistance payment cannot be made until the unit passes inspection. Repairs for the annual inspection must be made within 30 days or 24 hours for life threatening emergencies. For annual inspections, if repairs are not made by the stated deadline, housing assistance payments will stop.

Most Common Failed Items

- Non-functional smoke detectors
- Missing or cracked electrical outlet cover plate
- Railings not present where required
- Peeling exterior and interior paint
- Trip hazards caused by installed floor coverings (carpet/vinyl)
- Cracked or broken window panes
- Inoperable burners on stoves or inoperable range hoods
- Missing burner control knobs
- Inoperable bathroom fans (no ventilation)
- Leaking faucets or plumbing
- No temperature/pressure release valve on water heater

HQS Checklist

The following is a list of items inspected to meet Housing Quality Standards.

Bathroom

- „ The bathroom must be located in a separate room and have a flush toilet.
- „ The unit must have a fixed basin with a sink trap and hot and cold running water. „ The unit must have a shower or bathtub with hot and cold running water.
- „ The toilet facilities must utilize an approvable public or private disposal system, including a locally approvable septic system.

Kitchen

- „ The unit must have a cooking stove or range and refrigerator of appropriate size for the unit (i.e., family) all in proper operating condition. Stoves, ovens, and ranges must have all control knobs and handles. Gas stove burners must light by pilot jets without the use of incendiary devices (i.e., matches, lighter, etc.).
- „ The unit must have a sink in proper operating condition with a sink trap and hot and cold running water which drains into an approvable public or private wastewater system.
- „ The unit must provide space for the storage, preparation and serving of food.
- „ There must be adequate covered facilities and services for the sanitary disposal of food waste and refuse, including temporary storage facilities where necessary (i.e., garbage containers).

Space and Security

- „ The unit must have a minimum of a living room, kitchen area, and bathroom.
- „ The unit must contain at least one sleeping or living/sleeping room for each two persons.
- „ The unit's windows which are accessible from the outside, such as a basement, first floor and fire escape windows must have a working lock (e.g., window units with sash pins or sash locks, and combination windows with latches). Vertically opening windows must stay up and open without the use of props. Windows designed to open should operate accordingly.
- „ Bedroom windows must be able to open and close freely.
- „ The unit's exterior doors (i.e. those that allow access to or from the unit) must be lockable and compliant with current Texas Property Code requirements regarding security devices for residential tenancies.

Thermal Environment (Heating and Cooling System)

- „ The unit must contain a safe heating system (and safe cooling system where present) which is in proper operating condition and can provide adequate heat (and cooling, if applicable), either directly or indirectly, to each room used for living in order to assure a healthy living environment appropriate to the climate.
- „ In the absence of a cooling system secure screens must be present on all outside windows.
- „ The unit must not contain any un-vented room heaters, which burn gas, oil or kerosene. A working radiator would be acceptable.

Illumination and Electricity

- „ There must be at least one window in the living room and in each sleeping room. „ The kitchen area and the bathroom must have a permanent ceiling or wall-type light fixture in working condition. The kitchen must also have at least one electrical outlet in operating condition.
- „ The living room and each bedroom must have at least two electrical outlets in operating condition. Permanently installed overhead or wall-mounted light fixtures may count as one of the required electrical outlets.
- „ All other rooms used for living require a means of natural or artificial illumination such as a light fixture, a wall outlet to serve a lamp, a window in the room, or adequate light from an adjacent room.
- „ Each electrical outlet must be permanently installed in the baseboard, wall or floor. Table or floor lamps, ceiling lamps that plug into a socket or extension cord plugged into another plug cannot be counted as an outlet for HQS purposes. Electrical hazards of any kind, either inside or outside the unit would receive a fail rating.

Structure and Materials

- „ Interior ceilings, walls and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing parts, or other serious damage.
- „ The floors must also not have any major movement under walking stress, or tripping hazards presented by the permanent floor coverings. Carpets must be tacked down.
- „ The roof must be structurally sound and weather tight.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN MCCOLLUM, *et al.*,
Plaintiffs,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

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CIVIL NO. 4:14-CV-3253

Exhibit 77